SUPREME COURT OF THE UNITED STATES.

No. 246.

MARIA JOSEFA CAVASOS, Plaintiff in Error,

vs.

MANUEL TREVIÑO AND EBEN COBB.

IN ERROR TO THE DISTRICT COURT U. S. FOR THE EASTERN DISTRICT OF TEXAS.

GIDEON, PRINTER.

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Affirmed and assigned to Nelson J.

Filed Dec. 23 1857

Maps 3

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No. ~~216~~.

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UNITED STATES OF AMERICA,
Eastern District of Texas.

District Court of the United States, Eastern District of Texas, at Brownsville.

At a term of the District Court of the United States in and for the Eastern District of Texas, began and held at the city of Brownsville, on the first Monday of March, in the year of our Lord one thousand eight hundred and fifty-nine, present the honorable John C. Watrous, judge of said court, Ben McCullock, Esq., United States Marshal, and F. J. Parker, Esq., clerk, among others were the following proceedings, to wit:—

Be it remembered, that heretofore, to wit, on the first day of September, in the year of our Lord one thousand eight hundred and fifty-three, came the plaintiffs in law cause No. 27, entitled Rafael Garcia Cavasos et ux. *vs.* William Evans et als., by their attorneys, Ebeneser Allen and Willian G. Hale, Esquires, and filed their petition herein, which is in the words and figures following, to wit:—

District Court of the United States, District of Texas, at Brownsville.

(United States District Court, Brownsville.)

To the honorable John C. Watrous, judge of the District Court, of the United States, having and receiving the powers and jurisdiction of a Circuit Court of the same for the district of Texas, sitting at Brownsville.

RAFAIL GARCIA CAVASOS
vs.
WILLIAM EVANS et als.

(Petition. This action is brought as well to try title as for damages, Allen & Hale, Att'ys for Pl'ffs. Filed Sept. 1, 1853.)

The petition of Rafail Garcia Cavasos and Maria Josefa Cavasos, his wife, of the city of Matamoras, and State of Tamaulipas, one of the United Mexican States, and who are citizens of the said United Mexican States, and aliens to the United States of America, complaining against William Evans, Antonia Blannerhasset, S. C. Langdon, Arthur Bell, Pierre Durant, J. H. Seliaffer, William Neal, J. B. McFadden, Andres Philippan, James Mallet, Richard Jourdan, Desideris Gonzales, Jose Maria Cerda or Cardo, Toviris Bustamente, Ladaris Fermin, Antonio Lial or Liare, Pedro Ortis, Henrique Cedis, Domingo Castillo, Jose Udurilla, Leandro Brisseño, Leandro Grisamo, John Drozer, Jose de la Rosa, Maria Rodrigues, Alvino Lopes, Nasario Delgadilla, Pancho Samora, Antonio Garsa, James Penn, William

Clark, Eben Cobb, Elkin Moses, James Selkirk, George Pomeroy, Augustus Rossiter, David Williamson, John White, Angelo Carrasa, Robert Kingsbury, Miffin Kennedy, Richard King, James O'Dannel, Manuel del Barco, Santiago Dia Nueva, Manuel Treviño, and Juan Manuel Schevale, of the county of Cameron, and State of Texas, and who are all citizens of the said State of Texas, hereinafter called the defendants hereto, respectfully represent to your honor—

That heretofore, to wit, on the first day of January, in the year of our Lord one thousand eight hundred and fifty-three, your petitioner, Maria Josefa Cavasos, with her said husband, was seized and possessed, in fee and right, of one undivided third part of a certain parcel of land, being part of a larger tract, situated in the said county of Cameron and State of Texas, which said parcel of land lies on and adjacent to the western shore of the laguna Madre and Gulf of Mexico, and was and is bounded as follows, to wit: beginning at a point eighteen thousand varas west from the most eastern point of the peninsula known as Point Isabel, whereon the town of the same name is situated; thence north to the arrago Colorado, or an inlet of the said laguna Madre; thence down the said arrago and laguna towards the south, and along the meanders of the shore to the north of the Rio Grande; thence up the said river, following the meanders of the eastern and northern side or shore, to a place situated south of the said beginning point; thence north to the said point of beginning: running the foregoing courses magnetic, and including all the land embraced within them, which your petitioners aver is of the value of one hundred thousand dollars.

And while your petitioner aforesaid was so seized and possessed of her said part of the said parcel of land, with the appurtenances, to wit, on the day and year aforesaid, the said defendants, with force and arms, broke and entered the close of your petitioner, to wit, the said parcel of land, and ousted and ejected your said petitioner, with her said husband, therefrom, and then and there, with force and arms, took possession thereof, and have ever since and at divers times so contrived to bater and hold possession thereof, and now do, adversely to your said petitioner, taking and receiving the fruits and profits of the said land, and the rents, dues, and income thereof, to the value, severally and individually, of ten thousand dollars by the year, and other wrongs then and there did and committed, against the peace of the said State of Texas and of the said United States, to the damage of your petitioner two hundred thousand dollars.

Wherefore your petitioners pray your honor to cause the said defendants herein before named to be severally cited to appear at the next term of this court, to be held at the city of Brownsville, in the said State of Texas, then and there to answer the premises; and that your petitioners may then have judgment for their damages, name profits and costs of suit, and may recover possession of the said part of the said parcel of land.

ALLEN & HALE, Att'ys for Pl'ffs.

And afterwards, to wit, on the twenty-eighth day of November of the same year, came the plaintiffs, by their said attorneys, and filed their amendment to the said petition, which is in the words and figures following, to wit:—

(Amendment, filed November 28th, 1853.)

District Court of the United States, District of Texas, at Brownsville.

RAFAIL GARCIA CAVASOS et als.
vs.
WILLIAM EVANS et als.

The surviving plaintiff in the above entitled cause, suggesting the death of her late husband, Rafail Garcia Cavasos, amends her petition by striking out all the allegations relating to her said husband, so that the suit shall stand in her name alone.

ALLEN & HALE, Att'ys for Pl'ff.

And afterwards, to wit, on the 26th day of February, the year of our Lord one thousand eight hundred and fifty-five, came the defendant, Manual Treviño, by his attorney, and filed his answer herein, which is in the words and figures following, to wit:—

In the District Court of the United States for the District of Texas.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS and others.

And now comes Manuel Treviño, one of the defendants in this suit, and defends the wrong and injury when, &c., and for answer to the petition of the plaintiff, herein says that he is not guilty of the said supposed trespasses nor any nor either of them as in the said plaintiff's petition herein is alleged and stated, and of this he puts himself upon the country.

S. POWERS, Att'y for def't Treviño.

And afterwards, to wit, on the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-five, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

This day came the plaintiff by her attorneys, and thereupon, upon motion and affidavit of Wm. G. Hale, it was ordered by the court that either and any of the parties in the above entitled cause, may take out letters rogatory under the form usual in the practice of this court, addressed to any court or judge of the States or Departments of Tamaulipas and Nuevo Leon in the United Mexican States, to take the depositions of witnesses residing in such States,

upon filing interrogatories to such witnesses in the clerk's office of this court, at least ten days before such letters rogatory are issued.

And afterwards, to wit, on the second day of July, in the year of our Lord one thousand eight hundred and fifty-five, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

It is ordered by this court that the order heretofore entered in this cause on the twenty-third day of June last, be amended to require that letters rogatory shall issue in the cause only upon interrogatories being filed in the clerk's office of this court, and ten days' notice thereof in writing given to the opposite party, his or her counsel, agent, or attorney.

And afterwards, to wit, on the same day and year, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

Continued for service.

And afterwards, to wit, on the same day and year, the court here made the following order, to wit:—

Order.

District of Texas, at Brownsville, June term, 1855.

Order of Survey in Suits Nos. 25, 26, 27, 28, and 33.

It is ordered by the court, that either of the parties to the following suits now pending in this court, to wit: Maria Josefa Cavazos *vs.* Jose Maria Villarial et als.; Maria Josefa Cavazos *vs.* William Evans et als.; Maria Josefa Cavazos *vs.* Miguel Salinas et als.; have leave to employ the district surveyor or any of his deputies for the county of Cameron, to survey any of the lands in controversy in the said suits, and that he report the result of such surveys to this court at the succeeding term thereof.

And afterwards, to wit, on the ninth day of July, in the year of our Lord one thousand eight hundred and fifty-five, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

In this case the defendant, Manuel Treviño, by his attorney, S. Powers, having appeared and filed his plea of not guilty, it is ordered

that said defendants have lease until the next term of this court to file an amended answer.

And afterwards, to wit, on the twenty-sixth day of May, in the year of our Lord one thousand eight hundred fifty-six, the court here made the following order :—

Order.

MARIE JOSEFE CAVASOS
vs.
WM. EVANS et als.

Upon motion of defendants' att'y it is ordered by the court here that the defendants have leave to file certain title papers in this cause.

And afterwards, to wit, on the twenty-eighth day of May, in the year of our Lord one thousand eight hundred fifty-six, the court here made the following order :—

Order.

MARIE JOSEFE CAVASOS
vs.
WM. EVANS et als.

By consent of parties and by order of the court, this cause was set for trial on Friday next.

And afterwards, to wit, on the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-six, the court here made the following order :—

Order.

MARIE JOSEFE CAVASOS
vs.
WM. EVANS et als.

Upon motion it was ordered by the court that defendants have leave to file certain title papers herein.

And afterwards, to wit, on the twenty-ninth day of May, in the year of our Lord one thousand eight hundred fifty-six, the defendants Treviño and Cobb, by their said attorneys, appeared and filed their motion to sever, which is in their words and figures following, to wit :—

Motion to Sever.

United States District Court,
District of Texas, at Brownsville.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

District of Texas, County of Cameron, to wit :—

Manuel Treviño, one of the defendants herein, says that he has been served herein, in connection with various defendants, with

whom this affiant is in no ways connected by any manner of privity whatsoever. That the plaintiff's claim herein embraces a larger extent of country, extending from Point Isabel to the mouth of the Rio Grand, and some fifteen miles up the said river, and extending northwardly back from said river, and embracing in her claim as set out in the petition, lands in no wise connected with the claim of this affiant.

This affiant further says, that his claim herein is confined entirely to the messuage or potrero of land known as that of San Martin, which he derives by inheritance from his deceased father, Don Ygnacio Treviño; that he makes no claim to any part or portion of the lands described in the plaintiff's petition, except the said messuage or potrero of San Martin; that he has no connection, nor never has had, with any of the defendants in this suit, whose immediate acts and possession in reference to said plaintiff's petition are not confined to said messuage or potrero of San Martin.

MANUEL TREVINO GARCIA.

Sworn and subscribed before me, F. J. PARKER, Clerk.

In District Court,
District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

Now comes the defendant, Manuel Treviño, one of the defendants in this suit, and referring to the accompanying aff't, moves this hon. court for an order allowing and permitting him, this defendant, to sever from the other defendants in the defence of this suit upon the trial thereof, and for relief from all, &c.

S. POWERS, Def'ts' Att'y.

And afterwards, to wit, on the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and fifty-six, the defendant, Manuel Treviño, appeared by his attorneys, and filed his separate answer herein in the words and figures following, to wit:—

United States District Court,
District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the defendant, Manuel Treviño, by his attorneys, and for further answer, and by leave of the court first had and obtained, and says *octo non*, because he says he is not guilty of the trespass in the plaintiff's petition complained of, and of this he puts himself upon the county.

2. And for further answer, by the leave of this court first had and

obtained as aforesaid, the said defendant says *actio non*, because he says the allegations in the plaintiff's petition set out, and each and every of them are false and untrue, and of this he puts himself upon the county.

3. And for further answer, by leave of the court first had and obtained, said defendant says *actio non*, because he says that for ten years and more after the passage of the act of the late Republic of Texas, entitled an act of limitation, "approved 5th of February, 1841, and more than ten years next after the 17th day of March, in said year 1841, and for ten years next before the commencement of this action, he, and those under whom he claims, had and held adverse, peaceable, continuous, and uninterrupted possession of a certan messuage and parcel or tract of land, known as the Potrero of San Martin, being the same of which he was seized and possessed at the time of the commencement of this action, in common with his co-proprietors, by metes and bounds, within the boundary of the lands mentioned and described in the plaintiff's petition, and that neither the plaintiff, nor any one for her in her behalf, made entry into and upon said messuage or potrero of land, or any part thereof, within ten years next after her right of entry, if any such right she had, accrued by virtue of the possession by this defendant as aforesaid; and this he is ready to verify, therefore he prays.

4. And for further answer, by leave of the court first had and obtained as aforesaid, said defendant says *actio non*, because he says that he, and those under whom he claims, had and held adverse, peaceable, continuous and uninterrupted possession of the said messuage or potrero claimed by this defendant, being the same of which he was siegn and possessed, in common with his co-proprietors, at the time of the commencement of this suit, by metes and bounds within the limits and boundary of the lands and premises in the plaintiff's petition described, for three years and more next before the commencement of the plaintiff's action herein, under title, and that said plaintiff did not bring her action within three years next after the accrual of her cause of action, if any she had, against this defendant; and this he is ready to verify, wherefore he prays judgment.

5. And for further answer, by leave of the court first had and obtained as aforesaid, said defendant says *actio non*, because he says that the plaintiff's cause of action, if any she had, accrued to her, and against this defendant, who claims under title, more than three years next before the commencement of her action herein; and this he is ready to verify, wherefore he prays judgment.

6. And for further answer, by leave of the court first had and obtained as aforesaid, said defendant says *actio non*, because he says that he, and others under whom he claims, had and held adverse, continuous, peaceable, and uninterrupted possession of the said messuage or potrero of land, being the same of which he was siegn and possessed, with his co-proprietors, at the time of the commencement

of this action, by metes and bounds within the limits and boundaries of the land and premises in the plaintiff's petition described, for three years and more next before the commencement of the plaintiff's action herein under color of title, and that said plaintiff did not commence her action within three years next after the accrual of her cause of action, if any such she had, against this defendant; and this he is ready to verify, wherefore he prays judgment, &c.

7. And for further answer, by leave of the court first had and obtained as aforesaid, said defendant says *actio non*, because he says that the plaintiff's cause of action, if any such she had, accrued to her and against this defendant, who claims under color of title more than three years next before the commencement of said plaintiff's action herein, and this he is ready to verify, wherefore he prays judgment, &c.

8. And for further answer, by leave of the court first had and obtained as aforesaid, said defendant says *actio non*, because he says that he had and held continuous and adverse possession of the messuage or potrero of land known as San Martin, being that of which he was seized and possessed at the time of the commencement of the plaintiff's action herein by metes and bounds within the limits of the land and premises in the plaintiff's petition, described under and by virtue of a just title in good faith for thirty years and more before the commencement of the plaintiff's action herein, and this he is ready to verify, wherefore he prays judgment, &c.

9. And now comes the said defendant into open court and suggests here to the court, that he and those persons whose estate he has in the lands and tenements sued for, had adverse possession of the same in good faith at least one year next before the commencement of this suit, and that he and those whose estate he has, has made permanent and valuable improvements on the said lands and tenements sued for, during the time of such adverse possession in good faith, and that the said permanent and valuable improvements are worth the sum of ten thousand dollars.

10. And this defendant further answering by leave of the court first had and obtained, says that he claims no part or portion of the lands set out and described in the said plaintiff's petition, except the messuage or potrero of San Martin herein above described as delineated and set forth in the map and filed notes of the deputy surveyor of the district of Cameron, filed messuage above filed herein, and the same to be made a part thereof.

S. POWERS, Deft's Att'y.

And afterwards, to wit, on the thirtieth day of May, in the year of our Lord one thousand eight hundred and fifty-six, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

This day came the plaintiff by her attorney and dismissed her suit as to the defendants, Nasario Delgadillo, David Williamson, John Drozer, Jose N. Durilla, Desideris Gonzales, Maria Rodrigues, Juan Manuel Shevale, Santiago Dia Nueva, Jose Maria Cerdo or Cardo, J. R. McFaddin, Jose de la Rosa, Antonio Garza, Henrique Cedis, Alvino Lopes Zadario Fermin, Leandro Grisamo, Antonia Leal or Liare, Torivio Bustemente, Antonio Blannerhasset, and Jose Udarilla only, and the said plaintiff also asking for judgment by default against those defendants who had been served but had not answered and the following defendants, to wit, S. E. Langdon, James Mallet, Piere Durant, Andres Phillipan, George Pomeroy, Arthur Bell, Robert Fingsbury, Pedro Ortis, Domingo Castillo, Pancho Jamosa, Richard Jourdan, William Neale, J. H. Schaffer, James Penn, Leandro Brisseño, William Evans, Angelo Correx, Antonio Garza, Domingo Castillo, and Manuel del Barco, who have been duly served, being solemnly called came not, wherefore it is considered by the court that those defendants, against whom the said plaintiff has dismissed her suit, go hence without day and recover against the said plaintiffs their costs in and about their defence expended; and it is further considered by the court that the plaintiff recover from the other defendants who have made default, as aforesaid, the tract of land in her petition described and demanded and her damages to be assessed by a jury, and shall also recover her costs in and about this suit expended, and by leave of the court the plaintiff amended her petition by changing the name of John White to Nathaniel S. White, who has answered thereto.

And afterwards, to wit, on the same day and year, the court here made the following order.

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

Upon motion of the defendants Manuel Treviño and Eben Cobb, by their attorneys, it was ordered by the court that they have leave of severance from the other defendants herein in the trial of this cause, and that they have leave to file a certain map with special reference to their answer heretofore filed herein.

And afterwards, to wit, on the thirtieth day of May, in the year of our Lord one thousand eight hundred and fifty-six, the said plaintiff by her said attorney filed the following reply, in the words and figures following, to wit:—

District Court of the United States,
District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the said plaintiff by her attorney, and in reply to the third, fourth, fifth, sixth, seventh, eighth, and ninth pleas contained in the separate and amended answer of Manuel Treviño, one of the defendants herein, says that notwithstanding what is averred in the said pleas, which the said plaintiff in nowise admits, but wholly denies to be true, the action of the plaintiff herein cannot thereby be barred because the said plaintiff more than ten years before the commencement of this suit, to wit, on the second day of October, in the year of our Lord one thousand and eight hundred and eighteen, was legally married to her late husband, Rafail Garcia Cavasos, being at that time under the age of twenty-one years, and so remained and continued married and under coverture to the said Rafail Garcia Cavasos, and a femme covert, from that time until the death of her said husband, which took place less than one year before the commencement of this suit, all of which the said plaintiff is ready to verify, wherefore she prays judgment.

ALLEN & HALE, Att'ys for Pl'ff.

And afterwards, to wit, on the same day and year, the defendant Eben Cobb appeared by his said attorneys, and filed the following separate answer in the following words and figures, to wit :—

In District Court of United States,
District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the defendant Eben Cobb, one of the defendants herein, and withdrawing his plea of disclaimer heretofore filed in this suit, and by leave of the court first had and obtained, says *actio non*, because he says he is not guilty of the trespass in the plaintiff's petition complained of, and of this he puts himself upon the country.

And for further answer, by leave of the court first had and obtained as aforesaid, the said defendant says *actio non*, because he says the allegation in the plaintiff's petition set out, and each of them, are false and untrue, and of this he puts himself upon the country.

And for further answer, by leave of *of* the court first had and obtained, this defendant says that he adopts all the pleas and defences herein, which are filed by the defendant Manuel Treviño, one of the defendants herein, with the same force and effect in all respects as

though the same were filed separately by this defendant, wherefore he prays judgment. S. POWERS, Att'y for def't Cobb.

And afterward, to wit, on the same day and year, came the plaintiff, by her said attorneys, and filed her reply, which is in the words and figures following, to wit:—

District Court of the United States,
District of Texas at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

This day came the plaintiff, by her attorneys, and in reply to so much of the answer of Eben Cobb, one of the defendants, as adopts the third, fourth, fifth, sixth, seventh, eighth, and ninth pleas in the separate and amended answer of Manuel Treviño contained, says that notwithstanding what is averred in the said pleas so adopted, which the said plaintiff in no wise admits, but wholly denies to be true, the action of the plaintiff herein cannot thereby be barred because the said plaintiff, more than ten years before the commencement of this suit, to wit, on the second day of October, one thousand eight hundred and eighteen, the said plaintiff was legally married to her late husband Rafail Garcia Cavasos, and since and from that time continued so married, and under coverture to the said Rafail Garcia Cavasos and a feme covert, up to and until the death of her said husband, which occurred less than one year before the commencement of this suit, all of which the said plaintiff is ready to verify; wherefore she prays judgment. ALLEN & HALE, Att'ys for Pl'ff.

And afterwards, to wit, on the ninth day of June, in the year of our Lord one thousand eight hundred and fifty-six, came the defendant, Manuel Treviño, in person, and made the following affidavit, which is in the words and figures following, to wit:—

In District Court of the United States,
District of Texas, at Brownsville.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

District of Texas, County of Cameron, to wit:—

Manuel Treviño, one of the defendants in this suit, being sworn says, that the original title deed of the lands composing the tract or grant of land called San Martin, in controversy in this suit, which issued by the State of Tamaulipas to the father of this affiant Jose Ygnacio Treviño, now deceased, and under which this affiant claims

the said land, is lost or destroyed, and cannot be procured and produced by this affiant.

Sworn and subscribed before me, this 30th of May, 1856.

MANUEL TREVIÑO GARCIA.

F. J. PARKER, Clerk.

And afterwards, to wit, on the seventeenth day of June, in the year of our Lord one thousand eight hundred and fifty-six, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

The testimony and argument of counsel in this cause having been completed, the judge commenced his charge to the jury, but the same not having been concluded, the court adjourned until to-morrow morning at ten o'clock.

And afterwards, to wit, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-six, the court here made the following order, to wit:—

Order.

The charge of the judge having been concluded, the jury retired to consider of their verdict, and by consent of the parties were permitted to return to the clerk their verdict under seal, whereupon the court adjourned until ten o'clock to-morrow morning.

And afterwards, to wit, on the nineteenth day of June, in the year of our Lord one thousand eight hundred and fifty-six, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

This day came the jury, to wit, Thomas J. Patterson, Stephen Purnell, Wilburg Cherry, Alexander Edgar, John English, William Krause, George Neville, G. S. Hatch, John A. Williams, Anbrose Crane, John F. Parker and James Wrigley, good and lawful men who had heretofore been sworn, tried, and empanelled in this cause, and returned into court the following verdict in this cause, to wit: We the jury find the issue for the defendants, and that they are not guilty of the trespass charged in plaintiff's petition.

And afterwards, to wit, on the same day and year came the plaintiff by her attorneys, and filed the following motion for a new trial, in the words and figures following, to wit:—

District Court of the United States,
District of Texas at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

The plaintiff in the above entitled cause by her attorneys, moves the court to set aside the verdict this day rendered therein, and to order a new trial for the following reasons.

First. Because the said verdict is against law. Second. Because the said verdict is directly contrary to the evidence. Third. Because the said verdict is contrary to the instructions of the court as to the law, and also to the evidence adduced in the case.

Fourth. Because no such verdict could legally be rendered under the pleadings in the case and the charge of the court.

ALLEN & HALY, Att'ys for Pl'ff.

And afterwards, to wit, on the twentieth day of June, in the year of our Lord one thousand eight and fifty-six, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

The motion for a new trial in this cause coming on to be heard, and the court being sufficiently advised, it was ordered by the court that the verdict heretofore rendered in this cause be set aside, and a new trial granted.

And afterwards, to wit, on the same day and year, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

It is ordered by the court that the defendants herein have the term of six months from the adjournment of the court in which to file amendments to their defences and answer heretofore filed herein, and that said defendants have leave to file a motion at the next term of the court to withdraw all pleas and defences heretofore filed, and to file new pleas and defences instead, which motion will be then considered.

And afterwards, to wit, on the twenty-seventh day of October, in the year of our Lord one thousand eight hundred and fifty-seven, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

Continued on the affidavit of plaintiff.

And afterwards, to wit, on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and fifty-nine, the defendants Treviño and Cobb, by their said attorneys, appeared and filed the following amendment to their answers, in the words and figures following, to wit:—

The United States of America, Eastern District of Texas, to wit.

District Court at Brownsville, October first, 1857.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.
Trespass, &c.

And now come again the defendants, Manuel Treviño and Cobb, by their attorneys, and, by leave of the court first had and obtained, amends the third plea of his separate amended answer in this behalf, by inserting therein, in the seventh line of the said third plea, between the words years and after, the words "and more;" and also, by like leave, amends his eighth plea of said separate amended answer, by inserting in the third line thereof, between the words "he" and "had," the words "him, her, or them, under whom he claims;" and by striking out from the tenth line thereof the word "thirty," which has been interlined, and by inserting in lieu thereof the word "ten."

And for further answer, by leave first had and obtained as aforesaid, the said defendant says actio non, because he says that he and him, her, or them under whom he claims, had and held continuous, adverse, peaceable, and uninterrupted possession of the land and premises known as the Potrero of San Martin, being that of which he was seized and possessed at the time of the commencement of the plaintiff's action herein, by metes and bounds, within the limits of the land and premises in the plaintiff's petition described, for thirty years and more before the commencement of the plaintiff's action herein, and this he is ready to verify; wherefore he prays judgment.

POWERS, BIGELOW, & HUGHES, for Defendants.

And afterwards, to wit, on the same day and year, the defendant Eben Cobb appeared by his said attorneys, and filed his demurrer to the replication in the words and figures following, to wit:—

The United States of America, Eastern District of the State of Texas, to wit.

District Court at Brownsville, October first, 1857.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als. } Trespass.

And now comes the defendant Eben Cobb, by his attorney, and says that the plaintiff ought not to have and maintain her action aforesaid by reason of anything in his replication to the third, fourth, fifth, sixth, seventh, eighth, and ninth pleas in the amended separate answer of the defendant Manuel Treviño contained, adopted and pleaded by this defendant as his pleas in his behalf, because he says that the said replication, and the matters and things therein contained, are not sufficient in law for her to have and maintain her said action, and this he is ready to verify; wherefore he prays judgment.

And for cause of demurrer the defendants come and show the following, to wit: The said replication is neither a traverse of the matter by the plea in law alleged, nor is it a confession and avoidance thereof. 2. The said plaintiff, by her said replicator, denies the allegations of said pleas, and at the same time sets up a new, a primitive allegation in avoidance. 3d. The said replicator replies coverture to the suggestor of a holding in good faith, with a view to payment for improvements, contained in what said plaintiff calls the ninth plea, when such coverture does not operate to prevent such payment or the recovery thereof. 4th. And there are other grounds.

POWERS & HUGHES, for Defendants.

And afterwards, to wit, on the same day and year, the defendant, Manuel Treviño, appeared by his said attorneys, and filed his demurrer to the replication, in the words and figures following, to wit:—

The United States of America,
Eastern District of Texas, to wit.

District Court at Brownsville, October first, 1857.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als. }

And now comes Manuel Treviño, by his attorneys, and says that the plaintiff ought not to have and maintain her action aforesaid, notwithstanding anything in plaintiff's replication to the third, fourth, fifth, sixth, seventh, eighth, and ninth pleas in said defendant's separate amended answer contained; because he says that the said replication, answer, and things therein contained, are not sufficient in law for said plaintiff to have and maintain her aforesaid action, and this he is ready to verify, therefore he prays judgment.

And for cause of demurrer the said defendant sets down and shows the following, to wit: 1. The said replicator is neither a traverse of the matter by the pleas in law alleged, nor is it a confession and avoidance thereof.

2d. The said plaintiff, by her said replication, denies the allegations of the said pleas, and at the same time sets up a new fact by way of affirmative allegation in avoidance.

3d. The said replicator replies coverture to the suggestor of a holding in good faith with a view to payment for improvements in what he calls the ninth plea, where such coverture does not operate to prevent such payment or the money thereof. 4th. And other grounds, &c. POWERS & HUGHES, for defendants.

And afterwards, to wit, on the same day and year, came the plaintiff, by her said attorneys, and filed an amendment to her petition, in the words and figures following, to wit:—

District Court of the United States,
Eastern District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the said plaintiff, and by leave of the court amends her petition by saying as follows: That heretofore, to wit, on the second day of October, in the year of our Lord one thousand eight hundred and eighteen, she was legally married to her late husband, Rafail Garcia Cavasos, being at that time under the age of twenty-one years, and so remained and continued married, and under coverture to the said Rafail Garcia Cavasos, and a feme covert until the death of her said husband, which took place less than one year before the commencement of this suit, and was thereby disabled and excused from suing any of the defendants, or those under whom they may claim. ALLEN & HALE, atty's for pl'ff.

And afterwards, to wit, on the same day and year, came the said defendants, by their said attorneys, and filed their amended answer herein, in the words and figures following, to wit:—

The United States of America,
Eastern District of Texas, to wit.
District Court at Brownsville, March first, 1859.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.
Trespass.

And now comes the defendants, Eben Cobb and Manuel Treviño, and by their attorneys, and by leave of the court first had and obtained, says, *actio non*, by reason of the plaintiff's petition and the matter and things therein contained, as amended, because they say

that the possession to the land in controversy by them set up by their answer and amended answer filed herein, commenced and was taken and had and filed, before the accruing to the plaintiff of her right and title in and to said land in controversy if any she has, and during the lifetime of a certain Francisco Cavasos, who then claimed to be the owner thereof, if she had any right thereto, and under and through and from whom the said plaintiff claims her said title and right if any she has, and the said possession was adverse, continuous, uninterrupted and peaceable, up to and until the death of the said Francisco Cavasos, which was in the year one thousand eight hundred and thirty-five, and during all the time she claimed to be the owner of the said land in controversy if she had any right thereto, being of full age, and in nowise incompetent or incapable of suing, and the said possession was adverse, continuous, uninterrupted and peaceable, from the time of the death of the said Francisco Cavasos in the said year one thousand eight hundred and thirty-five, up to and until the commencement of this action, and this they are ready to verify, wherefore they pray judgment.

POWERS, BIGELOW & HUGHES, for defendants.

And afterwards, to wit, on the same day and year, came the plaintiff by her said attorneys, and filed her demurrer to the aforesaid answer in the words and figures following, to wit:—

District Court of the U. States,
Eastern District of Texas at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the said plaintiff by her attorneys, and says that the amended answer of the defendants Manuel Treviño and Eben Cobb, this day filed, is insufficient in land; and she here assigns the following cause of demurrer:—

First. Because it does not appear by said amended answer that the disability of coverture did not take effect, and protect the right of the plaintiff, and interrupt the effect of limitation, during the time between the passage of the act of limitation of the republic of Texas, passed February fifth, one thousand eight hundred and forty, and the time of the death of her husband.

Second. Because said amended answer is inconsis*tant* and repugnant to the special pleas in the former amended answer, which it purposes to be deigned to support.

Wherefore, the said plaintiff prays judgment.

ALLEN & HALE, Atty's for pl'ff.

And afterwards, to wit, on the same day and year, the court here made the following order, to wit:—

Order.

This day came the parties by their attorneys; and thereupon the plaintiff discontinued her action as to the following named defendants, as having became her tenants since the institution of this suit, to wit: Antonia Blannerhasset, S. C. Langdon, J. H. Scheffer, William Neale, James Mallet, Elkin Moses, Richard King, Miflin Kenedy, and James O'Dannel; and also dismissed her said suit as to Arthur Bell, William Clark, James Selkirk, and John White, otherwise named Nathaniel S. White.

And afterwards, to wit, on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-nine, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVASOS
vs.
WM. EVANS et als.

And now, on this day, the demurrer of the plaintiff to the amended answer of the defendants Treviño and Cobb, on file herein coming, are to be heard; and, the same being considered by the court, it is ordered that the said demurrer, so far as relates to the pleas of said defendants to the limitation of three and five years by them, in their said amended answer, set up and pleaded, be, and the same is hereby sustained, and that said demurrers, so far as relates to the other periods of limitation and prescription in the said amended answer contained, be and the same is hereby overruled.

And afterwards, to wit, on the same day and year, came the said defendants by their said attorneys, and filed their amended answer, which is in the words and figures following, to wit:—

THE UNITED STATES OF AMERICA,
Eastern District of Texas, to wit.

District Court at Brownsville, Spring Term, 1859.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.
Trespass, &c.

And now come the defendants, Eben Cobb and Manuel Treviño, by their attorneys, and by leave of the court first had and obtained, and by way of amendment to their answer and amended answers herein, say, *actio non*, that by reason of anything in the plaintiff's petition as amended contained, because they say that the possession to the land in controversy by them set up by their answer and amended answers filed herein, except so far as said possession relates to the pleas of five and three years in the amended answer contained, commended and was taken, and had and held before the accruing to the plaintiff of her right and title in and to said land in controversy

if any she had, and during the lifetime of a certain Francisca Cavasos, who then claimed to be the owner thereof, if she had any right thereto, and under and through and from whom the said plaintiff claims her said title and right by descent of every right or title she has; and the said possession was adverse, continuous, peaceable, and uninterrupted, up to and until the death of the said Francisca Cavasos, which was in the year one thousand eight hundred and thirty-five, and during all the time she claimed to be the owner of the land in controversy, if she had any right thereto, being of full age, and in no wise incompetent or incapable of suing, and the said possession was adverse, continuous, uninterrupted, and peaceable, from the time of the death of the said Francisca Cavasos, in the said year one thousand eight hundred and thirty-five, up to and until the commencement of this action, and this they are ready to verify, wherefore they pray judgment.

POWERS, HUGHES & BIGELOW, for defendants.

District Court of the United States,
Eastern District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

Be it remembered, that upon the trial of this cause the defendants, Manuel Treviño and Eben Cobb, to maintain the issues on their part, offered in evidence a document in the Spanish language, with certain certificates thereto attached (which document in the Spanish language is not herein inserted, by agreement of accused, on account of its great length, but a translation thereof into English is herein set forth in lieu of the said original, and with the same effect, with the certificates which were attached to said original, as follows):—

In the year 1829.

Authentic copy of the record of original proceedings of the surveys of the meadow lands of Santa Isabel, San Martin, and Buena Vista, applied for by citizens Ignacio Treviño, Rafail Garcia, and Manuel de la Garza, and awarded to them by the government of this State, which authentic copy is drawn at the petition of Don Rafail Garcia, to whom it belongs individually.

State of Tamaulipas.

Remarks.

Extract from the title.

On page 67, after several preliminary petitions, proceedings, reports, &c. &c., an order from the Governor of the State is extant directed to Domingo de la Fuente, surveyor of the State, requiring him to repair to the city of Matamoras, and thence to the spot, to survey the lands of Santa Isabel, San Martin, and Buena Vista, granted by the said government to citizens Manuel de la Garza,

Rafail Garcia, and Ignacio Treviño, at their petition, dated at the city of Victoria, 1st of October, 1828.

On the 15 of Decr. 1828, the original proceedings, embracing the field notes of surveys of the above mentioned 3 tracts of pasture lands, consisting of 92 tolios, was transmitted by the said surveyors to the Governor of the State. Page 151.

On the 15th of January, 1829, the above mentioned proceedings were transmitted by the Governor of the State to the cabinet council of the government for advice.

On the 21st of January, 1829, the council reported to the Governor their advice on the subject of this grant, advising that the lands are vacant and subject to entry, and they may be granted to petitioners.

On the 22d of January, 1829, the governor transmitted these proceedings, with the advice of his cabinet council, to the attorney-general of the State for his opinion. Page 154.

On the 24th of January, 1829, the attorney-general delivered his opinion to the governor in favor of the grant to the petitioners, predicated upon a thorough examination of the record of the proceedings, and finding them correct and in accordance with the provisions of the colonization law of the State of Tamaulipas, and advises the governor to cause the parties to be put in possession of these lands, and issue them the titles on condition of their complying with the requisitions of the law by paying government dues as per appraisement made.

On the 24th of January, 1829, the governor issued his order to the alcalde of Matamoras, as special commissioner, to comply with the opinion of the attorney-general, and to put the parties in possession in the name of the State, and report his proceedings.

Here follows an official copy of the field notes of the survey, and a plot for the guide of the commissioner in the premises.

On the 25th of February, 1829, Rafail Garcia de la Garza paid into the State treasury for government dues the sum of $260, 1 rl. 6 qr., for 7 leagues 9 caballerias and 175,328 square varas of land of Santa Isabel, equal to 7 leagues 2 labors 415,328 square varas.

On the same day, and in the same place, Ignacio Treviño paid the sum of $233, 2 rl. 6 qrs., a $45 per league, for 5 leagues 7 caballerias and 287,366 square varas of land of San Martin, equal to 5 leagues 2 labors 37,366 square varas.

On the same day, and in the same place, Manuel de la Garza paid the sum of $243, 4 rls. 6 qrs., a $6 per league, for 6 leagues 31 caballerias and 231,352 square varas of the Buena Vista pasture lands, equal to 6 leagues 7 labors 980,852 square varas.

On the 26th of February, 1829, these grantees were put in possession of their respective lands by Jose Domingo de la Garza, 1st alcalde of Matamoras, special commissioner.

On the 22d of May, 1829, title issued by Lucas Fernandez, governor of the State of Tamaulipas, attested by Juan Carreno, Sec-

retary of State to Rafail Garcia, for his grant. See page 196 of this title.

Second Stamp For the year	[L. S.]	Twelve Reales ($150) 1829 and 1830.

Executive Department of the State of Tamaulipas.

In the proceedings instituted by citizen Manuel Prieto, on the subject of obtaining the lands of "San Martin," "Santa Isabel," and "Buena Vista," a decree of this government, and the advice of its cabinet council, was recorded in the following terms:—

City of Victoria, July fifth, one thousand eight hundred and twenty-seven.

In view of the record of the proceedings, from which it appears that citizen Jose Ignacio Treviño has a stock of cattle in the jurisdiction of Matamoras, and has no grazing lands of his own for the same, and that he held the aforesaid lands for many years by the authority of the government in the capacity of a tenant; that citizen Manuel Prieto, although having made an effort to acquire the lands of San Martin, applied for by his forefathers, has not prosecuted his claim with activity and within due time; it appearing also from the said records that others, who have pretended a right, have not appeared, neither personally nor by lawful agents, to lay their claims before the government, the council advises, that the lands called San Martin, in the jurisdiction of Matamoras, applied for by citizen Jose Ignacio Treviño, be awarded to him; that the balance of the lands in litigation be amended to citizen Manuel Prieto; but before making the grant, an order be issued to the alcalde of the said city to inspect and survey the same, cause the erection of land marked, and the appraisement thereof, previously summoning the adjoining parties to be present, the government appointing a surveyor and an appraiser, and the parties

Fourth Stamp for the year	[L. S.]	One Quartilla ($\frac{3}{8}$ cento), 1829 and 1830.

interested appointing another, and after concluding the whole operation, the said alcalde will make a return of the record of his proceedings to the Executive, in order that he may with the opinion of the attorney general decide.

City of Victoria, ninth of July, one thousand eight hundred and twenty-seven.

Let an order be issued to the first alcalde of Matamoras, inserting therein this decree and the advice of the council, requiring him immediately to proceed to the inspection, erecting the said landmarks, and the appraisement of each of the three meadows called San Martin, Santa Isabel, and Buena Vista, with a previous summons of the adjoining parties to be present, and for these purposes

the citizen Francisco Guerra, an inhabitant of Reynosa, is appointed surveyor, and citizen Jose Maria Giron appointed appraiser, both on the part of the State, each of the other parties, viz., the citizens Manuel Prieto and Ignacio Treviño, to appoint another appraiser, and all being done in order and with exactness requisite, the record of the proceedings thereof shall be sent up to this government for its decision according to law.

Fourth Stamp for the year	[L. S.]	One Quartilla, 1829 and 1830.

All for which I transcribe to you for your due compliance therewith. God and liberty.

City of Victoria, tenth of July, one thousand eight hundred and twenty-seven, fourth of the installation of the Congress of this State. Lucas Fernandez Eleno de Bargies.

To the first Alcalde of the city of Matamoros:—Excellent Sir: Citizens Jose Maria Giron and Manuel de la Garza, both inhabitants of Matamoros, the first as the attorney of citizen Rafail Garcia, whose power of attorney he hereby duly accompanies and prays to be returned to him, and the last in his own behalf, before your Excellency with due respect appears and declare, That it came to our knowledge that the meadows of San Martin, Santa Isabel, and Buena Vista, within the jurisdiction of our city, have been ordered to be surveyed and appraised, in consequence of the petition embraced in the record of proceedings had upon this subject, and that after the whole being concluded, to be sent up to it for its decision; and as it appears clearly, from the foregoing, that the award has not been made nor the matter terminated, it appears to us that we have a right. We do not allude to that which is to be awarded to citizens Ignacio Treviño,

Fourth Stam for the year	[L. S.]	One Quartilla, 1829 and 1830.

because we are convinced of his being in need of these lands, and that he has a sufficient number of cattle to stock it; we only allude to those other lands contended for, which it appears it is intended to be granted to Manuel Prieto. Since the year one thousand eight hundred and twenty-three we are in possession of these lands by means of a memorial to the Honorable the Provincial Delegation, which has decreed that possession be given to us, we paying a stipulated rent for it. Thus it decreed, without admitting any right of citizen Prieto, as it appears in the original record of proceedings had, and which are in the archives of your government. We are now in possession of these lands and paid a stipulated rent; citizen Prieto afterwards instituted his claim before your government for these lands, and we objected to it, because we believe ourselves with a right to their ownership. An order was issued to the alcalde

of our city to institute the necessary proceedings, and we were summoned to set forth our rights. We appeared there, and although we did not appear here, because we were made to understand that by appearing there it would be sufficient, besides, citizen Ignacio Treveño, who represented our rights,

Fourth stamp For the year	[L. S.]	One Quartilla 1829 and 1830.

appeared here personally. The causes which, according to the colonization law, ought to move the granting of lands, deprive citizen Prieto of all right, and incline in our favor. He owns large tracts of lands which he has never stocked; far from it, he has tenants with extensive cattle farms on them; the aforesaid law expressly says that the grantee is bound to cultivate the land himself, and if citizen Manuel Prieto has not sufficient cattle, not even for one-eighth part of the lands which he already owns, much less can he stock those which he seeks to acquire. If he rents out the new lands, he violates the law, because he does not cultivate and stock it himself, and if he wants to stock it with the cattle on his own land, the spirit and meaning of the law is set at nought. Lands ought to be granted to those who have the means of improving them, and citizen Prieto not having even for his own, it would be injustice to grant him any more; all these statements are true and appear in the original record of the proceedings, in the archives of this government. The deposition embraced in the record of the proceedings instituted by citizen Prieto, are made by individuals, living on his farm (rancho) in his service as day laborers, and are objectionable because they ought to be considered as his servants or as his protegees.

Let depositions of impartial individuals be received, and the marked difference between the two depositions will be seen. We have no lands of our own, although we have sufficient stock to place on it; for this reason, and because we have held these lands contended for as tenants, faithfully paying the stipulated rent gives a clear right, that they be awarded to us because we are in possession of them, and it is in accordance with the colonization law, reason and justice, and by it we pray your excellency to be pleased to grant us the meadow of Santa Isabel and Buena Vista, because it is of justice which we implore. We aver that we do not proceed with malice and affirm all that is necessary, &c.

City of Victoria, ninth of August, one thousand eight hundred and twenty-seven.

JOSE MARIE GIRON,
MANUEL DE LA GARZA.

City of Victoria, tenth of August, one thousand eight hundred and twenty-seven.

Referred to the Cabinet Council. FERNANDEZ.

In the absence of the Secretary,

JOSE APOLINAZ GARCIA.

City of Victoria, 1st of September, one thousand eight hundred and twenty-seven.

The council is of opinion that the alcalde of Matamoros be required to continue his operation in the survey of the lands solicited by citizen Ignacio Treviño, and that two surveyors be appointed for that purpose, and as regards the lands which were decreed, might be awardid to citizen Manuel Prieto, all proceedings be suspended. That the ayuntamiento of Matamoros reports, under its own responsibility, whether citizens Manuel Garza and Rafail Garcia own any lands, and whether they could improve those which they solicit. Also to report the same in reference to citizen Manuel Prieto, specifying what number of leagues each of them owns.

JOSE IGNACIO GIL.

City of Victoria, 1st September, one thousand eight hundred and twenty-seven.

The first alcalde of Matamoros will execute the order communicated to him on the ninth of July last, so far as it relates to the lands applied for by citizen Ignacio Treviño; and in relation to those applied for by citizen Manuel Prieto, and which have been ordered to be surveyed and appraised, he will suspend all further proceedings until further order from this government, being understood that for the survey of the lands solicited by Treviño, citizen Cazetano Medrano is appointed surveyor, who will act in conjunction with citizen Francisco Guerra, already appointed. The ayuntamiento of Matamoros, under its responsibility, will make the report as required by the preceding advice of the council, specifying minutely therein all the circumstances, and will remit the same to this government for its decision.

FERNANDEZ.

ELENO DE BARGOS.

Excellent sir: The constitutional ayuntamiento of Matamoros, in obedience to your excells. proceedings superior decree, reports: That citizen Manuel de la Garza and Rafail Garcia, have neither in this town or in its jurisdiction, other lands than a small tract which is owned by their wives, and which they hold but so small and so insignificant, that it is not only insufficient to maintain their stock, but even this corporation would not mention of it, was it not that it does not wish to suppress any of the facts in this report; thus, if it complies with its duty by referring to such a small and useless piece of land, it evinces a proof that it proceeds in this matter with the utmost impartiality. The stock owned by Garza and Garcia is considerable and sufficient to occupy even more land than they solicited, to which it may be added that being men of means, they are able to settle it, cultivate it, and to improve it in every manner. If the above militates in favor of citizens Garza and Garcia, to grant them the lands for which they have applied, it does not apply in relation to citizen

Manuel Prieto, who stands in an opposite position, because if the first party do not own even one league of land, the last one has as many as ten leagues of his own, and other ten of which he holds possession, although he has not sufficient cattle to stock neither the one nor the other tract, but not even the one half of his own lands; in consequence of which he maintains a large number of tenants on them, with considerable number of cattle on them, because he cannot occupy the same.

Here, excellent sir, this corporation would conclude this report, supposing it had complied with the requisition of the council which caused it; but being so interested in the welfare of this town, and at the same time convinced that to promote the same, the first and necessary cause to the same is, the increase of the population, distributing the lands to industrious and useful owners to hold and cultivate the same, it deems it a duty incumbent upon it to report to your excellency that it is its opinion, taking all the reasons to which it referred into consideration, that by granting to citizens Manuel Garza and Rafail Garcia the lands by them prayed for, a public good will result.

Municipal Hall of the Ayuntamiento of Matamoros, 6th of September, 1827.

ANDRES DE SALDAÑA, President.
CASTILO DE LA PORLITTOE,
RAFAIL SOLIZ,
MATIAS RAMIRES,
MANUEL GALAN, Secretary.

City of Victoria, 19th of September, 1827.

Referred to the Cabinet Council.

FERNANDES.

City of Victoria, 28th of September, 1827.

It appearing from the record of the proceedings had between citizen Manuel Prieto, on the one part, and citizens Manuel de la Garza and Rafail Garcia, on the other part, in relation to the lands of Santa Isabel and San Martin in the jurisdiction of Matamoros, that citizen Prieto has not continued to prosecute his claim in due time, instituted by his forefathers; that he owns more than sufficient quantity of land to stock the same; that the other parties have cattle and own no lands; and having all the doubts upon this subject solved which occurred to the council at a time of giving its first advice, reviewing the whole matter with the utmost deliberation, and following the spirit and meaning of the colonization law of the State, this council advises. That the statements made in relation to the lands prayed for by citizen Ignacio Treviño being in existence, the other lands may be awarded to citizens Manuel de la Garza and Rafail Garcia, previously appointing, according to law, two survey-

ors to survey the same, and adopting the other legal prerequisites, for which purpose the necessary orders may be issued.

JOSE IGNACIO GIL.

City of Victoria, 28th of September, 1827.

As advised by the council, and taking into consideration the incontestable right in favor of citizens Manuel de la Garza and Rafail Garcia, in the lands litigated for by citizen Manuel Prieto, I have thought proper to decree that the first alcalde of Matamoros caused a survey to be made and the boundaries to be established of the lands of Santa Isabel and Buena Vista, and to perform all other necessary acts provided for by the colonization law, previously summoning the adjoining parties to appear in attendance, making a record of all his proceedings, and transmitting the same to this government for the purpose of issuing to the grantees the titles in view thereof; and in case the said lands should have running streams or ponds of water, this government appoints citizen Jose Antonio Garcia appraiser on the part of the State, to act in conjunction with the one to be appointed by the grantees; this, however, is to be understood to be without prejudice to the decree entered in favor of citizen Jose Ignacio Treviño. FERNANDES.

ELENO DE BARGOS.

Office of Secretary of the State of Tamaulipas.

Under this date I communicate to citizen Domingo de la Fuente, as follows:—

Having citizen Ignacio Treviño petitioned in his own behalf and in behalf of citizens Manuel de la Garza and Rafail Garcia, that a surveyor be appointed to survey the meadows of San Martin, Santa Isabel, and Buena Vista, in consequence of the resignation of citizen Francisco Guerra, the government has appointed you to that effect, and I communicate the same to you by its order, requiring you to appear before the alcalde of Matamoros, that you may with his knowledge proceed to execute the aforesaid survey on the lands within his jurisdiction. By order of his excellency I transcribe the same for your information, and that after the aforesaid citizen Fuente shall have appeared before you, he shall proceed to execute according to law, the survey of the aforesaid lands as required by the aforesaid decree of this government. God and Liberty.

City of Victoria, 12th January, 1828, 5th of the installation of the Congress of this State. ELENO DE BARGOS.

To the citizen Alcalde of Matamoros.

In the city of Matamoros, on thirtieth day of January, of one thousand eight hundred and twenty-eight.

I, citizen Matias Garcia, first constitutional alcalde of the said city, in obedience to the superior decrees of his excellency the Governor of this State, of tenth of July and twenty-eighth of September

of last year, and the subsequent order of the 12th instant, all of which are extant on this record of proceedings, and which I ordained to be annexed hereunto, have decreed that it shall be proceeded to the survey and demarcation of the lands of San Martin, Santa Isabel, and Buena Vista, and the establishment of landmarks for boundaries thereon, which lands are situated within this jurisdiction and petitioned for by citizens Ignacio Treviño, Rafail Garcia, and Manuel de la Garza, observing in all respects relative thereto, the foregoing superior decrees and the colonization law of this State. Thus, by this decree, I ordain it, and sign with two attending witnesses, for want of a notary public, as provided by law, which I certify.

MATIAS GARCIA.

Witness—MANUEL GALAN.
Witness—JUAN JOSE DE ESPARZA.

Consecutively I, the said alcalde, in order that all the foregoing may have its full effect, ought to ordain and do ordain, that citizen de la Fuente appoint a surveyor by the government of this State, to survey the aforesaid lands, be cited to appear for the purpose of being notified of his appointment and accept of his office and to be qualified thereunto there by this decree I have ordained and signed with attending witnesses, as above stated.

MATIAS GARZA.

Witness—MANUEL GALAN.
Witness—JUAN JOSE ESPARZA.

Immediately, in obedience to the foregoing decree, personally appeared before me and before my attendant witnesses, citizen Domingo de la Fuente, an inhabitant of Victoria, and, being present, I notified him of his appointment as surveyor made by his excellency the Governor of this State on the 12th instant, to survey the lands of San Martin, Santa Isabel, and Buena Vista, situated in this jurisdiction. In reply to which he declared that he accepts the appointment, because he has practical knowledge in the matter, and took the oath in form, to discharge the duties of his office to the best of his knowledge and belief, without prejudice or partiality; and subscribed the same with me and my attendant witnesses, with whom I act as aforesaid, which I certify.

MATIAS GARCIA.
DOMINGO DE LA FUENTE.

Witness—MANUEL GALAN.
Witness—JUAN JOSE ESPARZA.

Consecutively, I, the aforesaid alcalde, have ordained that two inspectors be appointed of the aforesaid lands, who at the same time shall serve as witnesses for the survey and the measurement of the same, for which purpose I ordain that citizens Ignacio Treviño, Rafail Garcia and Manuel de la Garza, be summoned to appear personally before me, to appoint each on his behalf a surveyor, who shall sur-

vey the lands granted to each of them, also an inspector who may have practical knowledge of the said lands, that they may accept their appointments and take the oath of office. Thus by this decree, I have ordained and signed with attendant witnesses, as above stated, which I certify. MATIAS GARCIA.

Witness—MANUEL GALAN,
Witness—JUAN JOSE ESPARZA.

Thereupon, in obedience to the foregoing decree, personally appeared before me and my attendant witnesses, citizens Ignacio Treviño, Rafail Garcia and Manuel de la Garza, to me known as such, who after being notified of my foregoing decree, declared that they unanimously appoint citizen Domingo de la Fuente, an inhabitant of the city of Victoria, as surveyor for the said lands, and citizens Francisco and Policarpio Farias, of this city, as inspectors, which declaration they subscribed with me, the said alcalde, and my attendant witnesses, all of which I certify.

MATIAS GARCIA,
JOSE IGNACIO TREVINO,
RAFAIL GARCIA,
MANUEL DE LA GARZA,

Witness—MANUEL GALAN, JUAN JOSE DE ESPARZA.

Consecutively, I, the aforesaid alcalde, in view of the declaration of citizens Ignacio Treviño, Rafail Garcia and Manuel de la Garza, ha caused citizen Domingo de la Fuente to appear before me and my attendant witness, and being personally present, and to me known as such, notified him of his appointment made by the before mentioned citizens and parties interested as surveyor, to survey the lands awarded to each of them, who in answer declared that he accepts the appointment, having practical knowledge in the matter, and immediately took the oath of office, faithfully to discharge the duties thereof, according to law, to the best of his knowledge and belief, without favor or affection; which oath he subscribed with me and my attendant witnesses, with whom I act as above stated, and which I certify MATIAS GARCIA,
DOMINGO DE LA FUENTE,

Witness—MANUEL GALAN,
Witness—JUAN JOSE ESPARZA.

Thereupon I, the aforesaid alcalde, caused citizens Francisco and Policarpio Farias to appear before me and my attendant witnesses, and being personally present and to me known as such, notified them of their appointments as inspectors, made by the before mentioned citizens and parties interested, who in answer declared that they accept their appointments, and that they will faithfully discharge the duties of their office to the best of their knowledge and belief, and according to law, without favor or affection, fraud or covin, under the oath which they have taken in the act, in due form

declaring the first to be fifty-nine years of age, and the last thirty years of age; which oath they subscribed with me and my attendant witnesses.

MATIAS GARCIA,
JOSE FRANCISCO FARIAS,
POLICARPIO FARIAS.

Witness—MANUEL GALAN,
Witness—JUAN JOSE ESPARZA.

Immediately thereupon, I, the aforesaid alcalde, ought to ordain and do ordain, that citizen Jose Antonio Garcia, appointed appraiser by his excellency the Governor of this State, in his superior decree of twenty-eighth of September last, appear before me and my attendant witnesses, that he may be notified of his appointment to accept the same, and to take the oath of office, thereby this decree, I have ordained and signed it with my attendant witnesses, with whom I act as above stated, which I certify. MATIAS GARCIA.

Witness—MANUEL GALAN,
Witness—JUAN JOSE DE ESPARZA.

In the aforesaid city, on the thirty-first day of the said month in the same year, in obedience to the foregoing decree, personally appeared before me and my attendant witnesses, citizen Jose Antonio Garcia, to me known as such; I notified him of his appointment, made by his excellency the Governor of the State, in his decree above mentioned, as appraiser on the part of the State, of the land of San Martin, Santa Isabel and Buena Vista, situated in this jurisdiction, which are about to be surveyed and laid off for citizens Ignacio Treveño, Rafail Garcia and Manuel de la Garza, in answer to which he has declared that he accepts the appointment, and in the act, took the oath faithfully to discharge the duties of his office to the best of his knowledge and belief, without favor or partiality, and according to the law, without fraud or covin, which oath he has subscribed with me and my attendant witnesses, all of which I certify.

MATIAS GARCIA,
JOSE ANTONIO DE GARCIA.

Witness—MANUEL GALAN, JUAN JOSE DE ESPARZA.

Consecutively, I, the aforesaid alcalde, ought to ordain, and do ordain that the parties interested, citizens Ignacio Treviño, Rafail Garcia, and Manuel de la Garza, do appear before me and my attendant witnesses, and each of them to appoint in my presence, for himself, an appraiser, to act in conjunction with the one appointed by the government in behalf of the State, and to proceed to witness the surveying, and to make the appraisement of the above-mentioned lands, to be awarded to each of these parties, that the said appraisers might accept their appointments, and take the oath of office. Thus,

by this decree, I awarded and signed it with my attendant witnesses, with whom I act, as above stated, which I certify.

MATIAS GARCIA.

Witness—MANUEL GALAN.
Witness—JUAN JOSE DE ESPARZA.

Immediately thereupon, in obedience to the foregoing decree, personally appeared before me and my attendant witnesses, citizens Ignacio Treviño, Rafail Garcia, and Manuel de la Garza, to me known as such, who, after being notified of my foregoing decree, the first and the last declared that they jointly appoint on their behalf citizen Andres de la Soldaña, a resident of this city, as appraiser; and the second declared that he, on his behalf, appoints citizen Juan Longoria, Y. Serna, a resident of this city, for the same purpose, which declaration they subscribed with me and my attendant witnesses, with whom I act, as above stated, which I certify.

MATIAS GARCIA,
JOSE IGNACIO DE TREVINO,
RAFAIL GARCIA,
MANUEL DE LA GARZA.

Witness—MANUEL DE GALAN.
Witness—JUAN JOSE DE ESPARZA.

Thereupon I, the aforesaid alcalde, in view of the declarations of these parties, have caused to appear before me and my attending witnesses, citizens Andres de la Soldaña and Juan Longoria y Serna, both of this city, and being both personally present and to me known as such, notified them of their appointments as appraisers, by and on behalf of citizens Ignacio de Treviño, Rafail Garcia, and Manuel de la Garza, who, in reply, declared that they accept the appointment, and in due form, faithfully to discharge the duties thereof to the best of their knowledge and belief, without a prejudice, partiality, favor, fraud, or covin, and according to the law, which oath they subscribed with me and my attendant witnesses, with whom I act, as above stated, which I certify.

MATIAS GARCIA,
ANDRES DE SOLDANA,
JUAN LONGORIA Y SERNA.

Witness—GALAN.
Witness—JUAN JOSE DE ESPARZA.

Although the order of his excellency the Governor, referred to in your despatch of the 23d instant, is contrary to the decrees of his excellency, which, in accordance with the advice of his cabinet council, has issued in favor of my petition, praying for the same lands; and, notwithstanding that the said resolution has not been made known to me, neither by the government itself, to whom I directed my memorial, nor by any other authority, and much less have I been notified of the new objections which have invalidated my

rights solemnly declared by the government, and after the matter was concluded. I shall always respect the resolutions of the government; but, as regards the pointing out the boundary-lines, in view of the title papers, it is not in my power to comply with, because neither do I know them, nor have I any other title to it than the one ad interim as one of the heirs of the estate by which it is owned, to enjoy the same. I can assure you that this is true; and although those who have disputed me this right have succeeded in concealing the truth, that the lands which I hold the same as my co-heirs is not divided, and that neither is it awarded in ownership, this might be sufficient for the only purpose to oust my petition, and that I have not been able to succeed, that the government should penetrate this truth it cannot militate against the right which my co-heirs have to appear as parties interested, the same as myself, to the marking of the boundaries for their satisfaction, believing that it is one thing that the government should understand, that I am the absolute owner, and that it has decided against my pretension; and the other is that I be caused to relinquish the rights of my co-heirs, to whom I never shall answer for their demand which they may make, in consequence of their not having been summoned, it being convenient for me to make it known to you, and to appear on the appointed day, with which I answer your aforesaid despatch. God and Liberty.

Matamoros, 25th of January, 1828, 5th of the installation of the congress of this State. MANUEL PRIETO.

To citizen MATIAS GARCIA, first Alcalde of Matamoros.

The state of my health does not permit me personally to appear as summoned in your dispatch of yesterday's date, but my son-in-law, citizen, Juan Jose Tijerina, will appear in my stead for the required purpose, with whose appearance and agreement I am conform as if I were personally present, with which I answer your aforesaid dispatch. God and Liberty.

Matamoros, 31st of January, 1828, the 5th of the installation of the congress of this State.

MARIA FRANCISCA HABEIRA DE LA GARZA.

To Don MATIAS GARCIA, Alcalde.

Immediately upon, I, the aforesaid alcalde, have ordained that witness Maria Francisca Habeira de la Garza be cited to appear, as the only executive of the estate of the late citizen Salvador de la Garza, deceased, as the only adjoining party to the lands of San Martin, Santa Isabel, and Buena Vista, either personally or by attorny, to witness the surveying and laying off these lands, and to point out the boundary line of those owned by her, carrying with her her title papers to the same.

Thus by this decree I have ordained and signed the same, with my attendant witnesses, with whom I act as above mentioned.

MATIAS GARCIA.

Witness—MANUEL GALAN,
Witness—JUAN JOSE DE ESPARZA.

Consecutively, I, the aforesaid alcalde, in view of the answer of witness, Maria Francisca Habiera de la Garza, of to-day's date, which I ordain to be annexed hereunto, do decree that citizen Juan Jose Tijerina be summoned to appear, that as the attorney of the before mentioned lady, he must appear in the manner and for the purposes as set forth in my foregoing decree.

Thus by this decree I have ordered and subscribed with my attendant witnesses as aforementioned.

MATIAS GARCIA.

Witness—MANUEL GALAN,
Witness—JUAN JOSE DE ESPARZA.

And, therefore, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, citizen Juan Jose Tijerina, who, upon being notified of the tenor of my two foregoing decrees, declared that he will appear as the attorney of his mother-in-law. Witness, Maria Francisca Habiera de la Garza, and witness the surveying of the before mentioned lands, carrying with him the title papers, which establish the dividing line of the meadows of his constituent from those which are about to be surveyed, which declaration he subscribed with me and my attendant witnesses, with whom I act as aforementioned, which I certify.

MATIAS GARCIA,
JUAN JOSE TIJERINA.

Witness—MANUEL GALAN.
Witness—JUAN JOSE DE ESPARZA.

At the place called El Tanque (the pond), on the first day of February, in the aforesaid year, I, the aforesaid alcalde, having arrived at the above mentioned place accompanied by my attendant witnesses, the surveyor, the inspectors, the appraisers, parties interested, parties adjoining, and other spectators, have caused citizen Juan Jose Tijerina as the attorney of the executive of the before mentioned estate, to deliver into my hands the title papers of the aforesaid property, for the purpose to ascertain by them the dividing line between the said property and the public lands, which are about to be surveyed, which he did deliver, and by which the proceedings had in the surveying of the aforesaid lands, are extant on folio twenty-two, in a decree entered on the first of July, one thousand seven hundred and seventy-nine, by which it appears that the first line commenced at the watering place called Sauces (the Willows), situated on the Rio Grande, in a due east course along the banks of the said river; and that at five hundred and eighty-four cords in the same direction reached a

slough of the said river, by means of which at high freshets it supplies a pond with water, and which slough was at the distance of six cords up the river, and which slough was declared as a boundary; and that the late Don Salvador de la Garza was required to erect a permanent landmark there in view of the foregoing decree, I required Tijerina and citizen Manuel Prieto, who accompanied him as the party interested, to point me out the aforesaid slough, as the boundary where the before mentioned line terminated, to which they replied, that they knew not where the established boundary line was, for they knew not which was the lawful one, but from information which they had, it ought to be a small creek at a very short distance from the point where they stood, therefore, I, the aforesaid alcalde, repaired with my whole retinue aforesaid to a ravine or small branch formed by a pond which at this time is known, which according to information formerly was the river, and which was found to be a slough of the said river, and upon inquiry made to Tijerina and Prieto, whether that was the slough, and at which spot in it was the boundary line; they replied that they knew not the spot of the said boundary, but that the said slough was the same in the middle and at both extremities, therefore they could not say where the line was. Therefore, on account of this confusion, I, the aforesaid alcalde, again examined the title papers, and having ascertained that the line which was drawn from west to east and that it terminated in a slough, and that at six cords it reached a point on the upper part; guided by this as the nearest to those proceedings, I caused, with the accord of the adjoining parties, to proceed to the said pond, and on arriving thereto, after various arguments susited between the adjoining parties and the petitions in relation to the precise point of the said pond, they agreed that it was that called Huisache, which was marked, and is situated at the edge of a lake, known as the pond; from which point I caused the surveyor to draw a due east line and measure the six cords referred to in the said decree in the aforesaid title papers, which was executed, previously measuring the cords with a vara with the seal of Mexico thereon, giving it fifty varas in length, and stretching the same six times, at the end of which line changed course due south until reaching the said slough, where I caused a mesquite tree to be marked with one cross, in order to run the line from this point from south due north, as the only one which could be discovered as the dividing line, because the records do not throw any light upon this matter; suspending further action for the present, it being late, to follow it up to-morrow. Of all of which I caused the record to be made, which I subscribed with my attendant witnesses, with whom I act as above stated, and which I certify.

MATIAS GARCIA.

Witness—ANDRES DE LA SALDAÑA, JUAN JOSE DE ESPARZA.

In the aforesaid place of Tanque, on the second day of the said month, in the aforesaid year, I, the aforesaid alcalde, being at the place where I have caused a mesquite to be marked with one cross, on yesterday where the line terminated, to follow it up from thence a due north course to its extremity, and accompanied by my retinue, having citizen Manuel de la Garza remonstrated that the line drawn yesterday was not the legitimate one, because the beginning of the slough ought to have been taken as the boundary, and not the middle as it appears by the line which it is to be followed up, and after various arguments had between Garza Tijerina and Prieto, who remarked that if he on the previous day agreed that from the aforesaid point, the line should be drawn to the north, that now he does not agree, and that the present alcalde may draw the same whither he pleased; wherefore I, the aforesaid alcalde, seeing that there is no established boundary line visible, neither do the adjoining parties exhibit one with certainty, have resolved to follow the one commenced on yesterday, inasmuch as there is neither a permanent mark existing, as well because the present line approximates more to the record of the six cords, which were measured and referred to, whereupon Tijerina replied that I may follow up the said line; that his title papers in the sequel refer to certain permanent and known points, and if encroached upon his lands, he would remonstrate; whereupon I, the aforesaid alcalde, have resolved to continue, and for that purpose I caused the surveyor to fix and adjust his compass, and to draw a line from north to south, which he executed by adjusting the variations of the needle, and running a due north line to the place called los Mesquites, where, in consequence of being late, further proceedings were suspended for the day, to continue on to-morrow; all of which have caused a record to be made, which I subscribe with my attendant witnesses as aforesaid.

Attest, MATIAS GARCIA.

Witness—ANDRES DE LA SOLDANA.
Witness—JUAN JOSE DE ESPARZA.

At the aforesaid place of the Mesquites, on the third day of the aforesaid month, I, the aforesaid alcalde, legalizing this holiday for the purpose of not suspending this operation, and thereby causing further costs to these petitioners, have caused the line to be followed, and after adjusting the compass, the same course due north, caused on the same line to the rancho San Juan, situated west of this line, at the distance of a little more or less of one-fourth of a league, where, in consequence of the adjoining parties having the evening previous separated, I concluded to halt until they shall have returned, and having done the same about eleven o'clock this day, I again called on Juan Jose Tijerina for his titles, and having discovered in them that the line drawn from south to north, in former time, passed by the said rancho of San Juan del Retirs, a little more than a league, and there being a difference in the distance of two lines, I required

of Juan Jose Tijerina and Manuel Prieto to signify whether they agreed to the present line, to which they replied that they could not agree to it, because their lands have been already encroached upon; whereupon I, the aforesaid alcalde, in view of Juan Jose Tijerina's titles throwing no other light upon the subject, than the rancho San Juan remained within the line a little more than one league without specifying the distance by the number of cords or varas, have resolved not to injure neither the State nor the adjoining parties in their domain, and for the uncertainty of the permanent landmarks on the banks of the Rio Grande, where the slough is to which reference is made, and not knowing whether it is that or another where the five hundred and eighty-four cords terminated which were run from the watering place of the Sauces, in a due east course, to obviate all doubts and responsibilities, to suspend the further running the present line, and inasmuch as the adjoining party is bound to exhibit fixed boundaries and not doubtful and uncertain ones, that the present party be notified that within the term of fifteen days to be computed from to-morrow, he will point out a fixed point where the five hundred and eighty-four cords, contained in the first line of his survey, terminated, be it by opening a pathway and measuring from the aforesaid watering place of the Sauces, or in any other way as it may most suit him, until he shall have given to my satisfaction a legitimate point of the beginning of this survey to commence from thence to run the dividing line between his lands and the public domain; because it is utterly impossible to ascertain the same in any other manner, in consequence of the adjoining party, as well as of himself of marking it out in the manner and form prescribed by the laws; and meantime to retire until they shall comply with this my resolution, to which, after being notified thereof, Juan Jose Tijerina and Manuel Prieto, they responded that they will verify the same within the prescribed term, at the expiration of which they will point out a fixed point by means of legal operation, of which they will perform, which declaration they subscribed with me and my attendant witnesses with whom I act as above stated.

Attest, MATIAS GARCIA.

ANDRES DE LA SALDANA.

Witness—JUAN JOSE DE ESPARZA.

In the town of Matamoros, on the twenty-fifth day in the aforesaid month, in the said year, I, the aforesaid alcalde, having received a notice from citizen Juan Jose Tijerina of to-day's date, stating that he has complied with my requisition as recorded in my decree of the third instant, and that he would point out a fixed boundary; whereupon I decreed that this notice be annexed hereunto for the necessary purposes; also to summon the surveyor, the petitioners, and the other members of the retinue to appear before me for the purpose of proceeding to ascertain the said dividing line, and to follow it up to

its end; which decree I have subscribed with my attendant witnesses acting with them as above stated.

Attest, MATIAS GARCIA.

Witness—ANDRES DE LA SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Thereupon, in accordance with my foregoing decree, the surveyor appointed in this case being absent on official duty with the second alcalde in the survey of the lands on the island of Corpus Christi, granted to the Reverend Nicholos Balli, wherefore immediately on his return, the ascertaining of the aforesaid dividing line shall be verified; in faith whereof I make this record, which I subscribe with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—ANDRES DE LA SALDANA.
Witness—JUAN JOSE DE ESPARZA.

In consequence of your resolution to survey the line to the river to know where the boundary is of the end of the meadow lands, belonging to the estate of which I am the attorney, I have verified the same, it being impossible for me to perform the same within the limited time of 15 days, on account of some days of bad weather, the close thickets, the great distance and the scarcity of hands at this season, when everybody is engaged planting; notwithstanding all these difficulties the work was concluded yesterday, although at a great expense and much trouble, only one day beyond the term given, and henceforth, so soon as you may wish to proceed, I will point out the boundary by the operation performed, as well as by information which exists of such boundary of individuals who shall be summoned in due time; if it is the duty of the adjoining parties to point you out the boundaries in view of the title, that duty was performed in conformity with your summons; but I believe the estate is not bound to please or satisfy the petitioners of the adjoining lands; therefore in consequence of the duties of the estate whether you for your own guide, or the petitioners for their satisfaction have run a visual line from the boundary, which was believed to be the legitimate one, in a northerly direction, in the running of which line, be it because the aforesaid boundary was not the legitimate one, or because of the variation of the needle the lands of the estate were encroached upon, and because we only informed you of it you resolved to suspend your operations, and the estate was threatened with the payment of costs up to that time, therefore I offered to do the same as before, I will exhibit the titles, point out the boundary, without stooping to please the petitioners, but only to satisfy you which behoves me, and that you may act as it may seem to you just, without ever being proved that you have been hindered in your operations, on the contrary I stated to you frequently to act as you may deem it expedient, reserving to me my rights, although you may

act in accordance with the petitioners, on whom you always relied in your operations, which I communicated for your information, in the ascertaining of said boundaries. God and Liberty.

Santa Rita, 21st of February, 1828, the fifth of the installation of the Congress of this State. JUAN JOSE TIJERINA.

To citizen MATIAS GARCIA, first Alcalde.

In the aforesaid city of Matamoros, on the third day of the month of March, in the aforesaid year, in view of the verbal notice given to me by citizen Juan Jose Tijerina, that according to the survey of the Sauces to the east, the five hundred and eighty-four cords terminated at the head of a slough, near to San Ignacio, at a watering place known also as the Sauces, situated to the east of the pond. And that citizens Ignacio Treviño, Rafail Garcia, and Manuel de la Garza, petitioners of the meadows of San Martin, Santa Isabel and Buena Vista, are not conform with the boundary pointed out by citizen Juan Jose Tijerina, as the dividen between his lands and those petitioned for. I, the aforesaid alcalde, to prevent further damages to the parties and disputes, which can only embarrass the survey ordered by the governor, as a lawful authority, whose duty it is to watch over the interest of the state, and taking into consideration that the title papers, exhibited by Juan Jose Tijerina, are neither the originals nor copies authenticated by competent authority, besides not appearing in them that possession was given of the lands, and the same thereafter confirmed by the proper authority, from which it appears that they are defective, and furthermore, the deficiency of the land-marks being manifest, which according to laws ought to have been erected, for want of which experience has demonstrated that large exciting disputes and perhaps have been originated, which not only terminate in vexations to the parties litigant, but also to the damage of the public treasury of the State, likewise taking into consideration that there is but two or three practical surveyors in this State, and having the surveyor appointed by the government in this case returned to the city; I hereby ordain that I, the aforesaid alcalde, accompanied by the said surveyor, repair to the head of the said Tijerina survey, beginning at the place known as the watering place of the Sauces; because according to public report and fame is the beginning point of the survey of the said lands on its upper side, and because this is in conformity to the record in the title papers of the said Juan Jose Tijerina. Therefore, let this aforesaid Juan Jose de Tijerina, and the aforesaid petitioners be notified of this my decree, and be summoned to appear at the aforesaid watering place of the Sauces, to witness the said execution of the said survey. Thus I have decreed and subscribed the same with my attendant witnesses, acting with them as above stated.

Attest, MARTIAS GARCIA.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

In the aforesaid city, on the fourth day of the said month, in the aforesaid year, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, Juan Jose Tijerina, Ignacio Treviño, Rafael Garcia, and Manuel de la Garza, whom I notified of the tenor of my last decree, to which the first replied, that he comprehended it and would appear and witness the survey as required; that he will verify the same only in obedience to the present alcalde, reserving his right to remonstrate, in case it should suit to him and his co-heirs, against the former proceedings, as relates to his consent to the slough recorded in the said proceedings, to which they did not agree, as well as against any other act, remarking that the new survey, which he was compelled to assent to, is grounded on the disagreement of the petitioners to the boundary pointed out, which by the survey caused by this respondent to be made in obedience to the testimony of creditable witnesses and old honorable residents, and which the present alcalde would not admit, was found to agree with the contents of the titles, but of all of which it appears that the petitioners do not want to acknowledge for the boundary that which they want to call a small creek, from whence the line was drawn, referred to in the former proceedings, to which we never agreed, the parties and the heirs, by the survey which was ordered to be made, and by the evidence of creditable witnesses, and which was refused, acknowledges and offers to exhibit a boundary marked out in such a slough, and that the present alcalde, to ascertain which of the two points is the boundary or slough, is about to cause a new survey to be made, for which purpose he would remark that it cannot be denied that between two surveys there is a difference, particularly if they are made by different individuals; also by two different compasses; also in the more or less exactness of measuring, remeasuring; also in many other circumstances not necessary to enumerate, because they are known and manifest, for which reasons it is customary that the difference, not being more or less than three per cent. in the survey, the boundaries established and referred to in the title must be recognized; and the present alcalde being an impartial judge, as he is supposed to be, this respondent hopes that he will be pleased to adjudicate this matter according to justice and reason, and the present survey being executed, he will decide it to be the point nearest to either of the two supposed lines, and that the same be declared the slough referred to which is the boundary, and should the present compromise appear to the present alcalde just, he will be pleased to award the same, to put an end to this controversy, which threatens a continuous litigation, which he wishes to avoid, it being understood that any number of cords of the quantity of land, belonging to the estate, taken from the front are to be multiplied by the depth, which is nearly ten leagues, and which is highly injurious. And the last responded, that they comprehended also, and that they are ready, on the day fixed by the present alcalde, to appear and witness the survey of the front of the lands belonging to the estate in whose behalf citizen Juan Jose

Tijerina appears as the attorney, promising henceforth to conform to the said line, wherever it may terminate, or to follow the one which was commenced to be run on the third instant, and was discontinued, should the present alcalde deem it expedient, or as he may find it to be just, which declaration they have subscribed with me, and with my attendant witnesses, acting with them as aforesaid.

Attest:

MATIAS GARCIA,
JUAN JOSE TIJERINA,
IGNACIO DE TREVINO,
MANUEL DE LA GARZA.

Witness—ANDRES DE SOLDANA.
Witness—JUAN JOSE DE ESPARZA.

In the aforesaid city, on the fifth day of the said month, in the aforesaid year, I, the aforesaid alcalde, have ordained, that for the purpose of carrying into effect the provisions of my decree of third instant, the surveyor, citizen Domingo de la Fuente, the inspectors, and my attendant witnesses, be summoned to accompany me to witness the running of the boundary line from the watering place of the Sauces, due east course, five hundred and eighty-four cords, being the front of the meadow lands of citizen Juan Jose Tijerina; also that citizen Pedro Villareal be summoned as the adjoining party of the said Juan Jose Tijerina, at the said Sauces, to point out the dividing line between them, exhibiting to that effect his titles: thus I have decreed and subscribed, with my attendant witnesses, acting with them as aforesaid.

Attest:

MATIAS GARCIA.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Consecutively, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, the citizens therein mentioned, who, after being notified, declared that they are individually ready to execute their respective duties required of them to the best of their knowledge and belief without prejudice or partiality, and the last declared, as the adjoining party, that the bad state of his health preventing him to appear personally as summoned, he would appoint citizen Francisco Farias to appear on his behalf, as his attorney, to point out the watering place called the Sauces, which is the boundary dividing his lands from those of the late Don Salvador de la Garza, on behalf of whose estate Don Juan Jose Tijerina is the attorney, which declaration they subscribed with me and my attendant witnesses, acting with them as aforesaid.

Attest:

MATIAS GARCIA,
JOSE FRANCISCO FARIAS,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
PEDRO VILLAREAL.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Immediately thereupon personally appeared before me and my attendant witnesses, citizen Jose Francisco Farias, who, after being notified of his appointment made by citizen Pedro de Villareal, declared that he accepts the same, and would proceed to point out the watering place called Sauces, which he knows from his infancy to be the dividing line between the lands of Don Pedro de Villareal and Don Salvador de la Sarza; which declaration he subscribed with me and my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA,
FRANCISCO FARIAS.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

At the place called the gap of the meadows of Abalos, on the 10 day of the said month, in the aforesaid year, I, the aforesaid alcalde, being at that point in company with the aforesaid citizens, Juan Jose Tijerina, the petitioners, my attendant witnesses, the citizens Felix and Lorenzo Villareal and Jose Maria Giron, demanded of the parties adjoining the titles to their lands, who exhibited in their hands, I discovered in those of citizen Tijerina, that, on the reverse of folio twelve, a decree of the following tenor is recorded on the first day of July, one thousand seven hundred and seventy-nine, viz: That the watering place Sauces was situated at that time at a corner formed by the Rio Grande, and a fence, which run from north to south; and the parties adjoining, after being required by me, the aforesaid alcalde, to point out the said watering place Sauces, declared they know not the precise spot of the said watering place, because by the lapse of time in consequence of the changes made by the Rio Grande, it did not exist any more, wherefore I, the aforesaid alcalde, have examined citizens Felix and Lorenzo Villareal, they being raised on the said lands, and being acquainted with it, for the purpose of declaring upon oath, and to point out the spot which at that time was the said watering place Sauces, to which they declared that it was impossible to find it at present in consequence of the changes made by the Rio Grande, and the forests which have grown up during the lapse of years, and that they could only point out the place called gap of the meadows of Abalos, at which point the boundary line and the fence referred to in the titles run, according to information derived from the oldest settlers; after which declaration I required Tijerina, and the attorney of Pedro Villareal, to say whether the statements of these two citizens were correct, to which they responded that although their titles do not refer to the aforesaid gap, yet they agree to the statement, also, because they knew that their forefathers agreed in this matter, and that also the present respondents do agree to recognize as a fixed landmark of the dividing line the body of an ebony tree, which, although burnt, is situated in the avenue of the woods leading to the meadows of Espirito Santo; and the two adjoining parties being conform on this point, as well as the

two Villareals, whose testimony I have taken, and in view of being impossible to ascertain with certainty in consequence of the lapse of time, where the said watering place and the fence, which were the landmarks of these premises, be situated, I therefore, said alcalde, ought and do ordain to avoid further delay and damages, and in every respect in conformity with the adjoining parties to repair to the aforesaid place known as the avenue of the meadows of Espirito Santo, and on arriving there the body of the aforesaid ebony tree, situated in the said avenue on the line from north to south, was pointed out by both of the adjoining parties and by the guides, Felix and Lorenzo Villareal, which, although burnt, is still visible, and which they asserted was the landmark which their forefathers have established, with agreement of Don Pedro Villareal, in consequence of disputes which existed between him and the aforesaid estate, and which was recognized as permanent landmarks by competent authority as being established in the aforetime, whereupon I, the said alcalde, do recognize the same as the only dividing line which approximates to reason and justice, from whence, and the parties agreeing thereto, ought to cause the survey of the front of the lands of the said estate to commence running a due east line from thence of five hundred and eighty-four cords, of which the said line consists. Thus I have decreed and subscribed, with the adjoining parties, with my attendant witnesses, Felix and Lorenzo Villareal not knowing how to write, put each his mark of a cross thereto.

Attest, MARTIUS GARCIA,
JUAN JOSE TIJERINA,
JOSE FRANCISCO FARIAS,
× ×

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Thereupon, in obedience to my foregoing decree, I, the aforesaid alcalde, notified the surveyor to be in readiness to survey the aforesaid lands, for which purpose I caused a cord to be brought before me, and *and* that in my view the said surveyor and inspectors measure off fifty varas, with a vara stamped with the seal of Mexico, and the rope being brought before me, the said surveyor measured off fifty full varas of the same, to make the measure, and tying each end thereof to a handle in such a manner, that from one handle to the other there were exactly fifty varas, thus the measure was completed. Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDANA,
Witness—JUAN JOSE DE ESPARZA.

Immediately thereupon, at the avenue of the meadow of Espirito Santo, at two o'clock P. M. of the same day of the said month, in the aforesaid year, I, the aforesaid alcalde, being there with the surveyor, taking his station at the before mentioned ebony tree in the aforesaid avenue, and planting his compass, and correcting the

variations, commenced the survey by running a line due east, and thereon stretching the cord of fifty varas, and stamped with the seal of Mexico, and approved in this State, as above stated, and measured from the said ebony tree in the said avenue, from west due east, and reached with the said measuring cord to the edge of the timber with nine cords of fifty varas each, suspending further operations, it being late and embarrassing it the woods, to follow it up so soon as the pathway is done, which I have caused to be opened. In faith whereof I sign these presents, with my attendant witnesses, acting with them as aforesaid. Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDANA,
Witness—JUAN JOSE DE ESPARZA.

On the thirteenth day of the said month, in the aforesaid year, at about seven o'clock A. M., the said survey was commenced, beginning at the edge of the said timber by the pathway which was opened, thence due east, and measuring the rope of fifty Mexican varas from one handle to the other, the said line was continued to the road leading from Santa Rina to a place called Tina and Arrozo Colorado, on which line some offsets were made, on account of some timber which prevented running it straight, and remeasuring the said rope, at each fifty cords, came with one hundred and fifty-six cords to the said Santa Rita road, where, on account of being late, this survey was discontinued, to follow it up to-morrow. In faith whereof I subscribe these presents, with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDANA,
Witness—JUAN JOSE DE ESPARZA.

On the fourteenth day of the said month and year, the said survey from the said road, on the same line from west to east, and with one hundred and thirty-five cords came in front of the place called Mesquite, having remeasured the cords at every fifty cords; thereupon continued the said survey from thence due east, and with two hundred cords reached the first grove of palm trees of the high ridge, thus completing to this point on this line five hundred cords, which make five leagues; and on account of its being late, this survey was discontinued to be followed up to-morrow. Of all of which, for due testimony, I make a record, which I subscribe with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—JUAN JOSE DE ESPARZA.

On the fifteenth day of the said month and year, about eleven o'clock A. M., the said survey was continued, the day having broke with some rain, and remeasuring the cords, giving it from one handle to the other fifty varas, it was extended due east, and with

eighty-four cords reached the prairie, in front of the place called Montosa, at which point terminated the five hundred and eighty-four cords from the ebony tree mentioned in my proceedings of the tenth instant; whereupon I caused the surveyor to discontinue this line and take course south, running a straight line without measuring, and for the only purpose to ascertain may strike the river, and being about one o'clock P. M. the said line was commenced to be run due south, and thereon came to the corner of an old fence, which forms the back line of the improvements of a negro man named Arnian, the end of the said line running against a pond, which formerly was the Rio Grande, and after finishing the said line, remained from its termination, at a very short distance the point Tanque and the slough, in a westerly course, which two points were those seeked by me, the aforesaid alcalde, as the nearest mentioned in the titles presented to me by citizen Juan Jose Tijerina on the third day of February last, as it appears on the records of my proceedings of the same date; in view of the small difference in this line from the said slough, and that it did not agree with that run by the said Tijerina, and terminated in the other slough, where he stated that there was a landmark which he discovered at the time of running the same, I required of him to answer whether he would agree to the point where the line just now run terminated, to which he answered, that he could give no answer for the present, inasmuch as he had to consult his co-heirs, as parties whose consent was necessary, and upon which consultation the present alcalde would decide; upon the hearing of which I granted him the term of two days, to be computed from to-morrow, within which to answer, of all of which I caused a record to be made, which the aforesaid Tijerina subscribed with me and my attendant witnesses.

Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDANA,
Witness—JUAN JOSE DE ESPARZA.

JUAN JOSE TIJERINA.

At the aforesaid point where the former line terminated, this sixteenth day of the said month, and legalizing this holiday to avoid more delay and damages, citizen Tijerina appeared to answer for himself, and on behalf of his constituents, and verified the same as follows: That for the present he declines to consult with his co-heirs, and that he does not assent to the survey made, nor to the point of its termination, for reasons which he will adduce in his memorial which he promises to make to the government, before whom he will appear personally, because it is intended to be reported to, it is according to the tenor of the title which this exponant presented, and to which he agreed and offered to present, and because the present alcalde was not pleased to witness it until now, but without reviewing it, he declared it insufficient proceedings of his own authority to make surveys on the meadows of Espirito Santo,

belonging to the said estate, without the knowledge of this exponant, or his co-heirs, soliciting the said boundary, and to attest the same for the purposes that may be necessary to sustain his right, and that in view of this statement, the present alcalde may act as it may be meet in justice, it being understood that this exponant protests in due form, as relates to the lands contained from the terminations of this line to the landmark referred to in the title, and which he solicited to be attested; he also prays that the present alcalde sign one of the folios of the title which he has exhibited and now again exhibits, to prove that it is the same that he has exhibited; he also prays that the provisions of the ninth article of the colonization law relative to the opposition, by right of property, be complied with, which answer he subscribed with me and my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA,
JUAN JOSE TIJERINA.

Witness—JUAN JOSE DE ESPARZA.

Immediately thereupon, and in view of the dissent of citizen Tijerina from the terminus of this line and with the survey just concluded, although it was executed according to law, so much so that the said Juan Jose Tijerina himself, in company with one of the petitioners, was one of the cord-carriers, drawing it to his full satisfaction in all the directions taken by the surveyor, I, the aforesaid alcalde, have ordained that a review be made of the slough and the land-mark which he avers to be the one mentioned in the title, and a record of this operation to be made, which requisite act I am bound to perform, without the necessity of his soliciting it, not having verified the same on yesterday, in consequence of the closing of the day, to be done this day; therefore examining the slough and the land-mark which Tijerina offers to point out, the other slough which approximates the tanque, and the terminus of the line run yesterday from north to south be also examined, for the purpose of deciding which of the two aforesaid sloughs approximates the record, and supplies the pond with water as therein mentioned, and from which of these two points the distance is of six cords as described in the said record, and after which examination the distance from one slough to the other be measured to the line which on yesterday terminated at the river, by which to ascertain which is the nearest to the said tanque (the pond), and after concluding the foregoing operation, to report the same to his excellency, the Governor of this State, for his decision. And as regards his petition that I may be pleased to sign his titles, I, the aforesaid alcalde, do decree that my signet being necessary to be attached thereto, his petition cannot be granted, because appearing on this record that he has exhibited them on sundary occasions, wherever they are unto required; and as regards the compliance with the ninth article of the colonization law of the State, that it is one of my first duties to observe and

comply with all the lands to their full extent. Thus I have ordered and decreed, and subscribed with my attendant witnesses.

Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDANA,
Witness—JUAN JOSE DE ESPARZA.

Immediately thereupon, in obedience to my foregoing decree, accompanied by my retinue, repaired to the point stated by citizen Tijerina to be the boundary, and arriving at it, he pointed out a very large mesquite tree, with two prongs cut off and two marks made with the axe, which, upon examination by me and my company, was found that neither the branches nor the mark with the axe show any signs of being a landmark, because, upon the examination of the same by the surveyor and other intelligent bystanders, the marks thereon, and from the growth of the same, could not be more than twenty years; therefore it was their unanimous opinion that the tree could not be older than thirty years, which bears a disparity to fifty years which have elapsed since these lands were surveyed, and wherefore the titles of Tijerina make no mention of such a tree as a landmark, I, the aforesaid alcalde, being sensible of the uncertainty of this boundary, which Tijerina is trying to call, upon rumor only, as the legitimate one, have required the said Tijerina to point out the slough issuing from the Rio Grande, and says that it supplies the aforesaid pond with water; for which purpose he conducted me and my company to a kind of a small creek, and on arriving thereto, I proceeded to ascertain its source, to prove whether it issued from the said river, and at a few paces I discovered that the said small creek is formed by some ridges which discharge during the rainy seasons their waters into it, it being impossible that it should issue from the river, which is from this spot at the distance of from eight to ten cords; wherefore I returned with my whole company to follow down the said creek, to ascertain whether it discharges its waters into the aforesaid tanque, whereupon I found it that its waters running through the heights of Montosa empty into the laguna Madre. In consequence of the uncertainty of the mesquite tree and the slough which Tijerina wants to be the boundary of his domain, as well of that that it is known by me and my retinue to a moral certainty that he is dealing in subterfuges and tricks to embarrass the survey of the lands petitioned for, or, in case the same be executed, to have it done to his notion, pointing out boundaries without proofs, and predicated upon uncertain rumors, which he has lately acquired, for he never pointed out any permanent landmarks referred to in his titles, and in those which he did point out he always made mistakes, and was grasping for more land, to the damage of the public domain, therefore I, the said alcalde, do not recognize, upon examination made in the act, the mesquite tree and the slough pointed out by Tijerina as the lawful boundary, for which reason I declined measuring the distance from this point westward to the fence of the negro

Arnians Labor, the terminus of the line run on yesterday from north to south, and to proceed to the said line, and thence to measure to the other slough; and putting the same into operation, after the arrival upon the said line, I caused the surveyor to plant his compass, and from thence to take course due west, which he verified, measuring thirteen full cords, with which we reached the line and the slough situated near the tanque and a point of beginning of the line run from south to north on the second day of February last; whereupon I, the aforesaid alcalde, repaired with my whole retinue to examine the source and the mouth of the said slough, and discovered that it issues from a pond which formerly was the Rio Grande, its formation being visible, and following down the said slough, I found it to discharge its waters into the aforesaid tanque; being convinced, beyond all doubt, myself and my whole company, that that point was the only one, and no other was the legitimate slough and established boundary where the five hundred and eighty-four cords of the front of Tijerina's lands, referred to in his title, terminated. In due testimony whereof, I subscribe with my attendant witnesses, acting with them as above stated.

Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDAÑA.
Witness—JUAN JOSE DE ESPARZA.

Thereupon I, the aforesaid alcalde, to proceed more according to justice in the establishment of the boundary nearest to the aforesaid tanque, have caused that the dispositions of the surveyor, citizen Domingo de la Fuente, and citizen Feleipe Roque de la Portitta, and Jose Maria Gomes be taken, of the first, in relation to the facts known to him by the surveys made by him on the said lands, and related in Tijerina's title, which he has heard read, and of the last, in relation to those known to them by the surveys which a few years ago were made by Don Pedro Lopes Prieto, to divide the meadows belonging to the estate in question, from those of San Martin, Santa Isabel, and Buena Vista, which survey they witnessed. Thus by this decree I awarded and subscribed, with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Immediately thereupon, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, citizen Domingo de la Fuente, surveyor, to me known as such, who, upon being duly sworn and interrogated by me to that effect, declared and said: That according to the knowledge which he derived from surveying the said lands and the contents of Tijerina titles, and examinations made in company with the present alcalde, the slough and the boundary mentioned in the said titles are no other ones than

those which are in the immediate vicinity of the said tanque, for although the said Tijerina desires that it should be lower down where he pointed out a mesquite tree, and a small creek which is unreasonable and unlikely to be, that the water should run upwards as well on account of the distance, which is about one-half of a league, and because the mesquite tree, according to his experience in woodwork, cannot be more than from thirty to forty years old, and the chops made in it not more than from fifteen to twenty years, and, according to information, he understood that in former times there was a rancho, and perhaps its inmates made those marks for diversion, to which it may be added, that Tijerina's titles don't mention such a tree being marked, and that the little creek which he pointed out does not issue from the Rio Grande, but is formed by the waters which roll down the hills during the rainy seasons, and discharges its water unto a lake which runs by the ridge Montosa, wherefore this deponent considers it as the legitimate boundary, the slough which is near to the tanque, because it discharges its waters into it, as it was found upon examination which he had taken, and which he affirmed and ratified, after reading the same to him, declared to be forty-seven years of age, subscribing the same with me and my attendant witnesses.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Thereupon personally appeared before me and my attendant witnesses, citizen Felipe Roque de la Portitta, to me known as such, who, upon being duly sworn and by me interrogated to that effect, declared and said, that in the year one thousand eight hundred and three or four, the late Prieto, deceased, as the heir of the estate, was about to make a division of these lands, and that this deponent, as the attorney of the late Jose de Gauascruchia, deceased, one of the heirs, appeared with the titles to the same to witness it, and that all the parties interested assembled at the place Tanque, and from thence with one accord and in conformity to the said titles, measured off six cords of fifty varas each, due east course, at the end of which changed course due south until they reached the edge of a lake which formerly was the Rio Grande, and where there was a slough which at high freshets in the said river supplies with water the said lake or pond—*tanque*, which slough they acknowledge and regarded as the legitimate boundary mentioned in the said titles, all three heirs unanimously agreeing to the said point as the dividing line between their lands and the public domain petitioned for by the late Pedro Lopes Prieto, from which aforesaid slough they ran and measured their line in a west course for the point of this land, that the above stated is all he knew in this matter, inasmuch as he was one of the parties present, and that they had no other boundary than the afore-

said slough, and that this was the truth which he affirmed and ratified under the oath which he had *had* taken after the same having been read to him, which he subscribed before me and my attendant witnesses, acting with them in default of a notary public, according to law.

Attest, MATIAS GARCIA,
FELIPE ROQUE DE LA PORTITTA.

Witness—ANDRES DE SALDANA.
Witness—JUAN JOSE DE ESPARZA.

Thereupon personally appeared before me and my attendant witnesses, citizen Jose Maria Gomes, to me known as such, who, upon being duly sworn, deposed and said, being interrogated by me to that effect, that in the year one thousand eight hundred and three or four, the late Don Pedro Lopes Prieto, deceased, one of the heirs of the estate, was about to divide this land, and that this deponent upon the written summons of the said division, from which fact it is known to him the heirs with one accord, in view of the titles, began the survey from the point, *tanque*, and thence measured six cords of fifty varas each, east course, at the end of which they changed course south, until, following the said line, they reached the margin of the lake which formally was the Rio Grande, at which place there is a slough which at high freshet in the said river, supplies the said lake or pond, *tanque*, with water, which slough they recognized and regarded unanimously as the established boundary dividing the public domain of San Martin, Santa Isabel and *Buena Vista*, as mentioned in the titles which they had with them, and this deponent read with attention, wherefore the aforesaid heirs commenced running their line west course without any objection, considering the same as they did consider as the only boundary; that this is all he knew of his own personal knowledge, being present at the time, also by public notoriety and fame, and that the same is the truth, which he declared under oath, and which, after having been read to him, he affirmed and ratified, declaring to be sixty-two years of age, all of which he subscribed before me and my attendant witness acting with them as aforesaid.

Attest, MATIAS GARCIA,
JOSE MARIA GOMES.

Witness—ANDRES DE SALDAÑA,
Witness—JUAN JOSE DE ESPARZA.

Thereupon, I, the aforesaid alcalde, in view of the foregoing proceedings and the disposition lastly taken, by which it appears, beyond doubt, that the only point to be recognized as the established boundary dividing the lands belonging to the estate represented by Tijerina and the public domain, is the slough situated at the distance of six cords from the *tanque*, and which, upon examination, was found to agree with the one described in the title presented by Ti-

jerina, whose tenacity, however, in disagreeing from it, predicated upon very uncertain information, and which in no wise have any analogy in his titles, insisted their to appropriate lands to the great damage of the State, taking advantage, perhaps, of the fact that there are no landmarks on any of his boundaries in existence as required by the laws, or, perhaps, to embarrass the surveying of the lands petitioned for; wherefore, in view of the foregoing facts, I, the aforesaid alcalde, do decree that, for the purpose of proceeding with more certainty, and that the State may not be damaged in its domain, that these proceedings be transmitted to his excellence the Governor of this State, that he may, upon a careful investigation of the same, be pleased to decide as he may deem it most expedient, and in case it should be necessary, to assist the petitioners with an individual of veracity, who, in the capacity of an attorney on the part of this State, should cause the survey of the lands prayed for be made, also, should it be in justice, to cause Tijerina to survey all his lands at his own expense, and that at the point out safe and legitimate boundaries, and not uncertain ones, as he is now insisting upon without proving them to be such, only to gratify a whim and views tending to damage the State; also that his excellence be pleased, should he deem it expedient, to order the aforesaid Tijerina to answer for and pay all costs which up to the present, in consequence of his unfounded hindrances, the petitioners have expended in behalf of this survey, which he has entirely paralyzed with disputes, alleging rights which he cannot sustain, meantime suspending all the proceedings. Thus, by this decree, I have ordained, which I subscribe with my attendant witnesses.

Attest, MATIAS GARCIA.

Witness—ANDRES DE SALDAÑA.
Witness—JUAN JOSE DE ESPARZA.

It is transmitted to his Excellency, the Governor of this State, in forty-two written folios, and four in blank—the place of the signet.

City of Victoria, 29th of March, 1828.

Referred to the cabinet council.

ELENO DE BARGOS.

City of Victoria, April 14th, 1828.

The citizen alcalde of Matamoras, the umpire of the surveys in the present record, as stated in his decree, transmitting the same to the government, knows and is penetrated of the want of justice on the part of citizen Juan Jose Tijerina, relative to the boundary to which he pretends, on the lands of *San Martin*, *Santa Isabel*, and *Buena Vista*, solicited by citizen Rafael Garcia, Ignacio Trevino, and Manuel de la Garza, awarded to them by the government of this State. Nevertheless, the said alcalde of Matamoros, notwithstanding of his knowledge and conviction, defies to put the parties in possession, as he ought to have, in obedience to the orders of the

government, and baffled by the statements of Tijerina against disorders, he consults the said government, and solicits that a way for him to follow be marked out, that he may not commit himself, the council having the matter before them, and reviewing the record on the front of folios forty-one and forty-two, and on their reverse, with great deliberation, advises that the alcalde of Matamoros, the umpire of the surveys mentioned in the record, having the subject before him, and being penetrated of the justice in favor of the petitioners, as also the tenacity of Tijerina (Juan Jose), with which he insists, on the contrary proceeds to put Treviño, Garcia, and Garza, which they demurred of right, running the line from the land-mark, which the aforesaid alcalde recognizes to be the most proper, legal, and legitimate, without permitting that to the parties, petitioners for those lands, and awarded to them, should be occasioned any further embarrassment and costs, which ought to have been avoided by the more compliance with the law and the order of the government, issued in consequence of the advice of the council, under the supposition, as the said alcalde declared, that Tijerina is not sustained by justice in regard to the boundary which ought to be, not the one pointed out by the said Tijerina, but that which the said alcalde infers to be in view of the title papers of the aforesaid Tijerina, and the land in question, reserving to the said Tijerina his right to remonstrate against the State which grants the lands, and in the name of which the possession is given. The council deems it also expedient to mention the defects noticed in the record by the want of the signatures of attendant witnesses, and dates which do not appear, and would suggest to the government to cause the same to be filled up to avoid giving umbrage to objections which could never be entertained as legal ones, they being caused by natural inadvertency of the alcalde, as it appears, but which ought to be avoided by filling up those already referred to.

GABRIEL DE ARCOS, Member and Secretary.

City of Victoria, April 16th, 1828.

In conformity with the foregoing advice of the council, let this record of proceedings be transmitted to the alcalde of the city of Matamoros, to comply with its provisions, and to cure its defects by filling up the signatures which are wanting.

FERNANDEZ.
ELENO DE BARGOS.

Office of Secretary of State of Tamaulipas.

At the solicitations of citizens Manuel de la Garza, Rafael Garcia, and Ignacio Treviño, the government has resolved that you repair to the city of Matamoros to survey the lands of *San Martin*, *Santa Isbel*, and *Buena Vista*, and by order of the same I notify you that after concluding the said survey you also repair to Ximenes (town of)

for a like purpose. God and liberty. City of Victoria, 1st of Oct., 1828, 5th of the installation of the congress of the State.

ELENO DE BARGOS.

To citizen Domingo de la Fuente, Surveyor of the State, city of Victoria.

In the city of Matamoros, on the third day of November in the aforesaid year, I, the aforesaid alcalde, umpire of this survey, in obedience to the superior decree of the government of this State of sixteenth of April last, in which, in accordance with the advice of its council of the fourteenth of the same month, his excellency ordains that the provisions of the same be complied with, and having citizen Domingo de la Fuente, surveyor appointed, appeared before me this day with a dispatch of his excellency, in which he is required to repair to this city and continue the survey of the lands petitioned for and mentioned in the record of these proceedings, which dispatch I have ordained to be hereunto annexed, have decreed, let the order of his excellency the governor be complied with to its full extent. Thus I ordain and subscribe, with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

Thereupon, in obedience to my foregoing decree and the twenty-second article of the colonization of this State, I, the aforesaid alcalde, do hereby ordain that citizen Juan Jose de Tijerina, the party adjoining to these lands, be summoned to appear in my office, that he may be notified of the aforesaid superior decree, and that he appear this day at the place called the *Tanque*, carrying with him his title papers, to witness the running of the dividing line which is to be run from south to north. Thus I have decreed and subscribed, with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

Thereupon, in obedience to the foregoing decree, personally appeared before me and my attendant witnesses citizen Juan Jose Tijerina, who, upon being notified of the aforesaid superior decree, and of my two foregoing decrees, declared that he comprehended it, and that having transferred all his authority in the matter in question to citizen Manuel Prieto, an heir and party adjoining to the dividing line, he could not appear and witness the survey, because, besides he having no authority for the same, he has delivered to the said citizen Prieto the title papers belonging to these premises; whereupon he prays the present alcalde, that not considering this present respond-

ent as a lawful party, may suspend the proceedings until the said citizen Prieto shall have returned from the city of Linares, where he is at present, and his return will surely not exceed fifteen days. I, the aforesaid alcalde, not consenting thereto, inasmuch as it is a new objection, having been summoned to appear in this office on the first instant, and, after having verified the same, he was verbally notified (being a holiday) of the object of the summons, to which he responded that he would be ready to witness the said survey, provided he had the title papers in his possession; but as he has delivered them to his brother-in-law, citizen Manuel Prieto, who is absent, and does not know whether he left them at home or carried them with him, and that he is about to consult in the matter, and that he now responds entirely to the contrary to his former allegations; wherefore I, the said alcalde, in consequence of this disparity, as well as ignoring this tribunal, the authority which he says he substituted in favor of his brother-in-law, and not having appeared before me to authorize the said substitution, neither can or ought to recognize citizen Prieto as the attorney of Tijerina until he shall have appeared in my office, making the said substitution, and the other accepting the same, inasmuch as the authentication of the same exclusively appertains to my official cognizance; wherefore I hereby ordain, until the aforesaid case shall have arrived, the said Tijerina shall appear from time to time and answer in this matter, as the lawful attorney of his mother-in-law, witness Xabiera de la Garza granting him the premetory term of eight days, to be computed from this day, to appear personally or by attorney with the title papers at the place called the Tanque, and that he may get into possession the said titles, or his said attorney may return the aforesaid, eight days are given, conditioned that should he not verify the same as required, this tribunal will be guided in the matter according to the colonization law of this State; whereupon the said citizen Tijerina, being notified of the foregoing decree, declared that he respects the precept which grants him the term within which he is required to appear at the aforesaid place with the title papers, but not having them in his possession, as already declared, he could not comply with it, neither has he any other means for it than to dispatch an express to recall immediately the said citizen Prieto, which he has already done, that he may with the documents witness the survey, and for this reason, and it might so happen that Prieto may not arrive precisely for the day appointed, he insists that the term of twelve or thirteen days be granted to him, which is the utmost that he may delay, and prays that no violence be done to him in his rights and those belonging to his constituents as the parties adjoining; but should, in the last case, the present alcalde execute the survey without the presence of the title papers, in that case he protests against the proceedings as being null, particularly when it is not foreign to the present tribunal that in the said surveys are objections which may conflict with the provisions of the ninth article of the colonization law. Thus he de-

clared, and subscribed with me and my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.
JUAN JOSE TIJERINA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

Thereupon, I, the aforesaid alcalde, in view of the statement of citizen Tijerina, in which he endeavors to embarrass the fulfilment of the superior decree of the government of sixteenth of April last, to the damage of said State and of petitioners (as it appears from his verbal statement), made on the first instant, and from that made at this time, which difference in the answer, and his substituting his authority in citizen Prieto, without the knowledge of this tribunal, give room to believe that his only object is to delay the survey of the lands solicited, I do hereby ordain, that the frivolous pretext alleged by the said Tijerina, such as the objection which may conflict with the ninth article of the colonization law, be rejected, inasmuch as the opposition offered by Prieto in this matter, have already been entertained and considered by the government, which have decided against him, and in favor of the petitioners—therefore, the said Tijerina is required *de noos* to comply with the provisions of my foregoing decree; and that he may not allege that he has been summoned upon short notice, the aforesaid eight days only are granted to him in my said decree to be computed from to-day; at the expiration of which he is required to appear personally, or by attorney, to witness the dividing line, as a party adjoining in compliance with the law, upon the subject. Thus I ordain and sign with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES,
Witness—FRANCISCO MAYORGA.

At the place called Tanque, on the tenth day of the said month in the same year, I, the aforesaid alcalde, having arrived at that place accompanied by the surveyor, the petitioners, the inspectors, my attendant witnesses, with the rest of my retinue, for the purpose of complying with the superior decree of the government of the sixteenth of April last, and citizen Juan Jose Tijerina not appearing as he was required to do, do hereby decree that he be for the last time summoned by transmitting to him a dispatch of the following tenor, to wit: by my decree of third instant, entered at the foot of your last answer in the matter relating to the survey of the lands petitioned for and adjoining those belonging to the estate which represent my dissent to your demand, is recorded because it is oppressive, and creates more embarrassments to the parties interested, and delay in the fulfilment of the government's orders of the sixteenth

of April last, and of which you are notified; wherefore, and peremptory term of eight days which I have prorogued in my decree of the said day, terminating this day, and being at this moment with the surveyor, the petitioners, and to the rest of retinue at the place called Tanque, to run the dividing line which you ought to witness as the adjoining party, and being nine o'clock A. M., and you not appearing as yet at this point as you ought to, I again summon you for the last time, and intimate to you that you appear this afternoon either personally or by attorney, to witness the running of the said line, and to have with you your title papers, and in case you cannot have the titles with you, which is not to be expected, you will appear without them, inasmuch as you ought to be informed of their contents, it being understood that by not appearing to witness the act, I shall proceed, and you be subject to the provisions of the twenty-second article of the colonization law henceforth not availing you the ninth article of the said law, because the proceedings therein stipulated have already terminated, and the government decided against citizen Manuel Prieto, the adverse party to the petitioners. God and Liberty.

Place of Tanque, tenth of November, one thousand eight hundred and twenty-eight, fifth of the installation of the Congress of this State.

MATIAS GARCIA.

To citizen JUAN JOSE TIJERINA.

Thus I have decreed and subscribed, with my attendant witnesses acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

At this moment, which is at about twelve o'clock A. M., I have received a dispatch from you of this date, in answer to which I say that I obey the precept directed to me, although I cannot execute it, consequently of indisposition caused by fevers and soreness of eyes, and being at this moment in a perspiration, therefore, and inasmuch as I have sent an express for my brother-in-law, citizen Manuel Prieto, who cannot delay more than five days on my account as a lawful heir to the boundary line, also because the title papers relating to this matter being in his possession, I solicit that you will suspend the survey until my said brother-in-law shall have arrived here. God and the law.

Santa Rita, 10th of November, 1828, 5th of the installation of the Congress of this State.

JUAN JOSE TIJERINA.

To citizen MATIAS GARCIA, 1st Alcalde.

Thereupon, in obedience to my foregoing decree my dispatch inserted in the said decree was transmitted to citizen Tijerina, the answer to which marked with my signet, Manuel, I, the aforesaid alcalde, have caused to be annexed unto this record, and appearing by it the tenacity to which he still adheres, refusing to appear and insisting that the further survey be stayed, perhaps, to retard this operation, causing great damages to the states and costs to the petitioners; I, the aforesaid alcalde, being amply convinced that all these things are embarrassments and subterfuges of Tijerina for sinister views which I cannot penetrate, therefore I ordain that it be proceeded to without the presence of the said adjoining party to the running of the said dividing line from the same point situated at the mesquite tree marked with one cross, on the first day of February of the present year, as it appears detailed in the decree of that day, and of the second of the same month, to which reference is made, considering, as I do consider, that point the dividing line as nearer approximating the ones mentioned in the titles of the adjoining party, as also appearing by the operations performed, deposition taken, and to the dictates of sound reason and justice for the want of permanent landmarks which citizen Tijerina ought to have pointed out; thus I ordain and sign with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

Thereupon, in obedience to my foregoing decree in view of the expenditure of onerous costs by the parties interested which are assembled with me, the aforesaid alcalde, to wit: surveyor, the inspectors, the appraisers, my attendant witnesses, and others of my necessary retinue, have decreed to proceed, according to the tenor of my said decree, to the mesquite tree marked with one cross, referred to in decrees of the first and second of February aforesaid, and on arriving at it I have caused the surveyor to adjust his compass, and thence from to run a line due south to the Rio Grande, which he executed; but on account of the heavy mesquite timber on the said course, which embarrassed the running of the line straight, he made several offsets in searching the Rio Grande, being also prevented by several ponds to follow a straight course, all of which were obviated by the said offsets, and by opening a pathway through the timber, suspending further operations for the present until the said pathway shall be opened. Thus I have ordained and subscribed myself with my attendant witnesses.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

At the aforesaid marked mesquite tree and the slough mentioned in the title of citizen Tijerina, on the thirteenth day of the said month, in the aforesaid year, the pathway being concluded, I, the aforesaid umpire of this survey, notified the surveyor to prepare himself to run the line which divides the lands of citizen Tijerina from those of the State, and for that purpose I caused a rope to be brought and to be in my presence, and that of the surveyor, inspectors, and appraisers, measured with a vara stamped with the seal of Mexico, and a well-twisted grass rope in good condition having been brought before me, and one of the inspectors holding the vara in his hands, the said surveyor measured off full fifty varas of the said rope to make the measuring cord, tying each of the ends of said cord to a handle in a manner that between the two handles there was precisely fifty varas, whereupon the survey commenced west course measuring from the foot of the said marked mesquite tree nine cords and thirty-two varas upon the said course (which offset was made because a large lake embarrassed the running of the line in a due south course from the said mesquite tree); at the end of these nine cords and thirty-two varas changed course due south and along the said pathway, which was opened, measured thirty-seven cords and forty-five varas to the bank of the Rio Grande, thence running due east measured nine cords and thirty-two varas to make up for the offset taken from the mesquite tree, and having reached to a point on the direct line from north to south, touching the timber at the mouth of the drain called Pacito Honds, at an ebony tree, which I caused to be marked with three crosses, and this is situated on the said line at the edge of the timber, from which tree to the mouth of the said drain and the river bank the distance is about two cords southward, concluding this line and measurement to the said ebony tree I returned to the aforesaid marked mesquite tree, on arriving at which I caused the cord to be remeasured and the surveyor to adjust his compass, and to run a line from south to north, and, beginning at the foot of the said mesquite tree, took course due north and measured thirty-one cords and five varas, with which we reached the *Tanque*, where I caused a thick ebony to be erected, from whence, at the distance of six cords due west, is situated the said *Tanque*, and which six cords are those mentioned in Tijerina's title; and also in my decree of first of February last, and extant on folio twenty and twenty-one of this record, which thirty-seven cords and forty-five varas measured from the ebony marked with three crosses, situated on the bank of the Rio Grande, to the marked mesquite situated at the slough, added to the thirty-one cords and five varas measured from the said mesquite and slough to the last established ebony landmark, distance six cords from the *Tanque*, making sixty-nine cords the present measure was suspended, it being late, to continue it to-morrow. Of all of which I make a

record, and in due evidence I sign the same with my attendant witnesses, acting with them as aforesaid.

Attest,

MATIAS GARCIA,
POLICARPIO FARIAS,
DOMINGO DE LA FUENTE,
JOSE IGNACIO TREVINO,
JOSE FRANCISCO FARIAS,
MANUEL DE LA GARZA,
RAFAEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

In the aforesaid place called *Tanque*, on the fourteenth day of the said month, in the aforesaid year, the aforesaid measure was continued, and I, the aforesaid alcalde, having caused the measuring cord to be measured, giving it fifty varas from one handle to the other, and taking a due north course beginning from the ebony where the sixty-nine cords ended yesterday, measured on the said course two hundred cords and came to the edge of the fourth inlet formed by the salt lagoon; thence following the same course due north, and with one hundred cords came abreast of the inclosed meadow called *Loma alta* (highland), the said meadow being eastward of the termination of this last one hundred cords, which lands from the mesquite tree marked with one cross, which was established at the said slough as a permanent landmark in that solicited by citizen Ignacio Treviño; wherefore there was measured for the individual on this boundary line three hundred and thirty-one cords from the said mesquite tree marked with one cross situated at the said slough to the front of said meadow of Loma alta—at the termination of which I caused a thick ebony tree to be marked with four crosses and erected as a permanent landmark and boundary dividing the lands of citizen Juan Tijerina—westward, and continuing the same, remeasuring the cord and running two hundred and twenty-three cords to the centre of the half moon, which point I caused a thick mesquite situated in the middle of the said crescent to be marked with one cross. When, on account of being late, further operations for to-day were discontinued to follow up to-morrow. Of all which I make a record in due faith thereof, subscribing the same with my attendant witnesses, the surveyor, and inspectors.

Attest,

MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE IGNACIO DE TREVINO,
JOSE FRANCISCO FARIAS,
MANUEL DE LA GARZA,
RAFAEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

At the aforesaid point of the crescent of the said *Indian point* and the mesquite marked as aforesaid, on the fifteenth day of the same month, in the aforesaid year, the survey was commenced at six o'clock A. M., and remeasuring the cord, giving it exact fifty varas, took course due north, and with forty-two cords came in front of the rancho *San Juan del Retiro*, situated westward, followed the same north course, and with sixteen cords more arrived to the point of termination of the lands solicited by Rafael Garcia, having surveyed for him on this line two hundred and eighty-one cords from the landmark of the said citizen Treviño to this point, where I caused a thick ebony to be marked, as a landmark as established as the dividen between the lands of citizen Tijerina and those granted to Garcia. Thereupon remeasuring the cord and following the same course from north to south with the one hundred and eighty-five cords, to the edge of a salt lagoon which begins to form the meadows of Buena Vista. Wherefore, it being late, this survey was discontinued to be recommenced on Monday seventeenth instant, to-morrow being Sunday. All of which in testimony I record and subscribe with my attendant witnesses, the surveyor and inspectors, and the petitioners.

Attest,

MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE IGNACIO DE TREVINO,
JOSE FRANCISCO FARIAS,
MANUEL DE LA GARZA,
RAFAEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

At the margin of the aforesaid lagoon, on the seventeenth day of the said month, in the aforesaid year, I, the aforesaid alcalde, having arrived at five o'clock A. M. at this point with my whole retinue, have caused the cord to be measured, giving it exact fifty varas between the two handles, took the same course north, and stretching the same cord on the surface of the water, reached the land on the opposite margin of the lagoon with fifty-nine cords; thence continuing the survey on the land due north entered into a small meadow formed by a boggy bayou which issues from the *Laguna Madre* and enters a salt lagoon aforesaid, and with eighty-five cords reached the land of the aforesaid small meadow at its extremity; at the margin of said boggy bayou, and which bayou with the aforesaid salt lagoon and the Laguna Madre formed the meadows of Buena Vista, at which point terminated the lands solicited by citizen Manuel de la Garza, where I have caused a thick ebony to be marked with one cross, and established it as a permanent landmark of the said citizen Garza, to whom, from the dividen between him and citizen Rafael Garcia, were measured on this line three hundred and twenty-nine cords. Whereupon further operations for the day were suspended,

it being late, to be recommenced to-morrow. In testimony whereof I make a record of these proceedings, and subscribe the same with the surveyor, the inspectors, the petitioners, the instrumental witnesses, and my attendant witnesses, acting with them as aforesaid.

Attest, MARTIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE FRANCISCO FARIAS,
JUAN LONGORIA Y SERNA,
IGNACIO TREVINO,
MANUEL DE LA GARZA,
RAFAEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the margin of the bend of the aforesaid bayo in the eighteenth day of said month, in the aforesaid year, the dividing line between the lands petitioned for, by citizens Ignacio Treviño, Rafail Garcia, and Manuel de la Garza, having terminated at this point with nine hundred and forty-one cords and five varas, as it appears by particular surveys made for each from the musquite tree marked with one cross situated at the slough on the Rio Grande, the point of beginning of this line, and the *Arroyo Colorado* being as yet far to the north, and there being only fifty-two cords wanting to complete the nine hundred and ninty-three cords, which according to the title-papers of Tijerina, the back line from south to north of his lands, contains. I, the aforesaid alcalde, have resolved that knowing as I do know, that there is an excess in the quantity of lands in favor of the State, that this survey should continue on the same course, and to run the same until striking the said *Arroyo Colorado*, thereupon remeasuring the cords and following the said line with three hundred and twenty-one cords reached the mouth of the aforesaid *Arroyo Colorado*, where it discharges its waters into the *Laguna Madre*, but before concluding, this line wanting only thirty-five cords yet to be measured, citizen Juan Jose Tijerina, and Manual Prieto, arrived and they both witnessed the termination of this survey which on account of being late was deferred for to-morrow, all of which in faith thereof, I record and subscribe with the surveyor, inspectors, and my attendant witnesses.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE FRANCISCO FARIAS,
JUAN LONGORIA Y SERNA,
JOSE IGNACIO DE TREVINO,
RAFAEL GARCIA,
MANUEL DE LA GARZA.

Witness—IGNACIO CASARES.
Witness—JUAN JOSE LONGORIA Y SERNA.

At a place called Puente de las Cavernas (*the entrance of the caves*) in the nineteenth day of the said month, in the aforesaid year, citizen Manuel Prieto as the adjoining party appeared before me, and averred that he noticed some difference in the course in which the dividing line terminated, and that in his opinion a part of his lands have been encroached upon, also that he brings an order from the government issued subsequent to that of the sixteenth of April last, which order he presented to me, the contents of which I read hastily, and have granted him permission to set forth his grievances in writing which he verified, presenting me a petition in which he claims the lands from the beginning point of the line bordering on the *tangue*, to where he says as a mesquite tree marked, which he recognizes as the dividing line, and consequently the difference of two hundred and seventy-five cords in front of the *Arroyo Colorado*, wherefore I decreed upon his petition with this date, that should injustice have been done to him it shall be righted upon his exhibiting his title-papers, the decree of the government in favor of citizen Tijerina, and the documents and allegations upon which he predicates his prayer thereupon, I the aforesaid alcalde proceded with the surveyor and the rest of my retinue aforesaid, to the meadows of *Buena Vista*, solicited by Manuel de la Garza to make an occular view thereof, upon which view were seen several salt lagoons, besides the *Laguna Madre*, which forms the said meadows, and a ditch and three lakes of fresh water, which accumulated during the rainy seasons, but which last but a short time according to the more or less rain and dry weather; the grass with which the said lands are covered is the best known in these parts, consequently, there was some cattle found on them belonging to this petitioner and other individuals; whereupon, in consequence of being late, further operations for to-day were discontinued to be resumed to-morrow. In testimony whereof, I make a record of the same, and subscribe it with the surveyor, inspectors, appraisers, and my attendant witnesses.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE FRANCISCO FARIAS,
JUAN LONGORIA Y SERNA,
JOSE IGNACIO DE TREVINO,
MANUEL DE LA GARZA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

At the point of *San Juan del Retiro*, on the twentieth day of the said month, in the aforesaid year, personally appeared before me citizen Tijerina and Prieto, to the last of whom I returned his petition, with my yesterday's decree thereon, whereupon, after being informed of the contents thereof, he declared that the permission ob-

tained from this present alcalde to set forth his claim in writing was in consequence of his opposition to the lands referred to in his petition, and that his efforts to assert his rights should be a matter of record as well as the delivery of the government orders in his favor referred to in his said petition, and having the same been returned to him by the said alcalde, with the remark that if the papers tendered by this respondent relates to the boundary, is useless to receive them, because he never recognized them as such, and that the same may be a matter of record, he presented his petition to the decree thereon, being stated that justice should be done to him, and that he present his title and papers, but that he should be compelled to present his title papers to be decided upon their validity without a judicial order to that effect, he could not consent to it, where he has already the notice of the bad issue of his claims, and as he made in his petition opposition to the right of the property, he is ignorant whether the same is admitted, in which case the law points out the course to be taken, and, if not admitted, he is fearful to submit to the present alcalde the qualification of the same, inasmuch as he has already shown an inclination towards a prejudice against his claims; in regard of presenting his titles, he believes it matters not whether they relate to the boundary, for the dividing line having been run, and the present umpire of this survey assumes the beginning point of the same to be the correct one, wherefore he did not admit the documents, it may be dispensed with them in this case, and reserves his right to make his remarks after he shall have consulted his co-heirs, who are in Matamoros, which declaration he subscribed with me and my attendant witnesses.

Attest: MATIAS GARCIA,
MANUEL PRIETO.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

Consecutively appeared before me citizen Manuel de la Garza, the petitioner for the land of *Buena Vista*, and responded that citizen Manuel Prieto should be required to present the title papers to his lands for the purpose of ascertaining from thence whether the land which he claims was taken from him; to solve all doubt upon the subject, upon consideration of which I, the present alcalde, notified citizen Prieto of the foregoing demands, and required of him to present his title papers, that upon inquiry into his claims justice be done unto him, whereupon the citizen Prieto replied that being for the purpose of solving any doubt which may be in this matter, he henceforth submits them to the inspection of the present alcalde, continued that upon the review of the same they be immediately returned to him in the act; thereupon I, the aforesaid alcalde, have resolved that he present them, that in view of the same the point may be ascertained, when the line to the north therein mentioned terminated; also to solve the other doubts which occurred to me,

after the concluding of which they shall be returned to him as demanded, whereupon he delivered for that purpose the said papers, and upon examination of the same, in reference to the commencement and the termination of the line from south to north, and upon due consideration of the same, I ordain that the decree relating to the said line shall be complied literally, and which is of the following tenor, to wit: *At the said point of the slough of the river where the first line terminated, this third day of the said*, in the aforesaid year, before me and my attendant witnesses, and other bystanders, the said surveyor measured the cord, giving it fifty varas, with the vara with which broadcloth is measured in Castilia, the same as the day before, and after adjusting the compass, run the second line due north, and at two hundred and six cords we arrived at the head of the lagoon of the sea without any other to be seen eastward in this vicinity, and having headed this first one and others which follow it, they being connected one with the other, always following to the north, we entered a bend or small meadow formed by the said lagoon, which are situated to the west and east, until we reached the Laguna Madre, the main lagoons formed by the Arroyo Colorado, which discharges its waters into the same, a settled place, and improved with huts and pens, called San Juan del Retiro, and in which some herdsmen and servants of the aforesaid Don Salvador de la Garza abide, is situated about more than one league within this line, and there being no more lands ahead, but water, having arrived at the said Laguna Madre the second time, in its whole length reached to nine hundred and ninety-three cords, the same having been in its transit remeasured several times, the same as it was down on the first line, of all which I make due record which have signed, the surveyor, the party interested, and those of my retinue who could write, before me and my attendant witnesses, acting with them as aforesaid.

Attest: JUAN ANTONIO CHAVES,
MANUEL DE SIERRA ALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME DE TREVINO.

Witness—BENITO LOPES.
Witness—RAFAEL LOPES.

Upon the conclusion of which copy the said documents were returned to the said Prieto as demanded, and having himself represented in the act that according to his title papers, the first line run from the watering place *Sauces*, reached a slough on the Rio Grande with five hundred and eighty-four cords, which in high freshets the said river supplies a pond, *tanque*, with water, which was situated at the distance of six cords on the upper side, which ought to be understood—not as

the present alcalde understands it, taking the six cords eastward having the said pond westward—but the said tanque ought to remain to the north, and the line to run to the south *of the said tanque*, and when it should strike the river there is the slough as it is actually the one situated at San Ignacio, and which he has pointod out to the present alcalde already on another occasion, and that from the slough from whence this dividing line was run some of his lands have been taken as already remonstrated against; whereupon I, the aforesaid alcalde, have resolved that for the purpose of obviating all doubt and errors, should I have committed any, we all repair to the said *tanque* for the purpose of observations and examinations to be made by me the surveyor, and the retinue which accompanies me, suitable to solve this doubt represented by Prieto as party adjoining, requiring him and Don Juan Tijerina to proceed to witness the whole operation for their conviction, meantime suspending the ocular view to resume it hereafter. This I have decreed and subscribed with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

At the point *Tanque*, on the twenty-first day of the said month, in the aforesaid year, I, the aforesaid alcalde, being at the aforesaid place, with the surveyor, the inspectors, the appraisers, the petitioners, the parties adjoining, Prieto and Tijerina, and the residue of my retinue, have caused the surveyor to adjust his compass, and planting the same in the said *tanque*, run a line from thence south six cords, at the end of which, and adjusting his compass, run a line due east, which he thus executed, I, the aforesaid alcalde, do consider for the one that ought to be and the said line terminated on the Rio Grande at the watering place Sauces, joining on San Ignacio where no slough was found, indicating the probability of there having been one, because that one which Prieto and Tijerina called and desired to be one, the boundary line is distant from the termination of this line on the Rio Grande, about fifteen or twenty cords down the river, where the mesquite tree is situated, which they called their landmark, which mesquite tree and slough both of these adjoining parties have pointed out to me on the sixteenth of March last, as it appears in my decree of the same date, extant on the reverse of folio thirty-seven of this record; wherefore I, the aforesaid alcalde, being convinced to a certainty that I have not erred as supposed by Prieto, and that the legitimate slough is the one adjoining the *tanque* and no other, have resolved in addition to my own convictions, and for that of the parties adjoining, to return with them and my retinue aforesaid, for the last time, to her from the same operation as on the sixteenth of March recorded in my proceedings of the said date, and extant herein on the reverse of folio thirty-seven as above stated, the result of which is the same as before, that the mesquite tree neither can be nor is the land-

mark, because it is evident to ocular demonstration that the slough does not nor can it supply the tanque with water at high freshets in the river, for when it rises the water passes through the slough and enters the lagoon of the sea, situated in the *loma de la Montosa* (the timbered ridge) which, in consequence of its abundance spreading out, waters the level lands formed between the said *tanque* and the lagoons, and perhaps in consequence of its spreading out over these lands, might supply the said tanque with water; and the title papers of Tijerina and Prieto would mention thus, that the said slough entered into the lagoon, and that this by spreading out supplied the said *tanque* with water, but it does not express so, but literally and positively says: that they arrived with five hundred *hundred* and eighty-four cords to a slough at the Rio Grande, which at the high freshets supplies a *tanque* with water which is situated at a distance of six cords on the upper side, which slough was made the boundary. This is the literal statement, from which it is inferred that the legitimate slough is the first one which is to be found adjoining the *tanque*, and the first and the only one touched by the line in reference to the others, situated further below; which facts caused me to believe that the point from whence I have caused the dividing line to be run is the legitimate one, but to obviate the fears of doing injustice through my little knowledge and abilities, I, the aforesaid alcalde, have resolved to take the depositions of Jose Antonio Garcia and Juan Longoria y Serna, appraisers, in due form to declare upon oath their opinions in the matter, inasmuch as they have been present at these operations, and to state which of the two points examined ought to be considered the legitimate slough and boundary, and which is the one that supplies the said tanque with water, and comes nearest to the one mentioned in this title of the parties adjoining, for the purpose of proceeding with more certainty in view of their deposition to take the other legal steps. Thus I have decreed and ordered and subscribed with my attendant witness.

Attest, MATIAS GARCIA.

IGNACIO CASAREZ.

Witness—JUAN LONGORIA Y SERNA.

Thereupon, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, citizen Juan Longoria y Serna appeared appointed by one of the petitioners to me known as such, who, upon being duly sworn and by me interrogated to that effect, declared and said, that he witnessed with the utmost care and attention, from the commencement to its conclusion, all the operations of the present alcalde conducted with the utmost precision this day from the tanque, and according to the public notoriety and fame, and the record of the title of citizen Prieto and Tijerina, the six cords therein mentioned ought to be and are correctly measured from the said *tanque* to the east, at the termination of which the slough mentioned therein ought to be looked for in a due south

course, as it was executed by present alcalde, by which it will appear evident that the said line will strike, and did strike, what formerly used to be the river, but now is a lake, from which, at the termination of the said line, issues a drain (slough) at the distance of one cord to the west, which in the opinion of this deponent, to the best of his knowledge and belief, is and ought to be considered the legitimate boundary line dividing the lands of the State from those of the adjoining parties; for, in addition to his own knowledge, this deponent has it from many residents of this city that in the year one thousand eight hundred and three or four, the late Don Pedro Lopes Prieto, deceased, the father of Don Manuel, was about to divide these lands to make a partition between his heirs, for the execution of which, and in order to find the boundary line, he repaired to the said *tanque* with his title papers in his hands, and from thence he measured six cords to the east, and retroceding to the south, he struck the slough which at this time the line run by the present alcalde as the divide struck, and the said Don Pedro, deceased, recognized and considered this point as his established boundary, wherefore this deponent is so much more convinced that this and no other is the only division between these lands; that the drain or slough which supplies the said *tanque*, according to the examinations made at this time, and which he knows by public notoriety is this, and not that pointed out to the present alcalde by the parties adjoining, for this is issuing from the said river *Montosa*, and perhaps when the said lagoon spreads out might well, covering the plains, communicated its waters to the said *tanque;* but this might happen, although very improbable, when by the other the aforesaid *tanque*, already supplied; as regards the mesquite tree, likewise pointed out by the parties adjoining as the landmark situated at San Ignacio, in the opinion of this deponent neither is nor can be considered as a landmark, because the titles of Tijerina and Prieto make no mention of the same, neither is it situated at any slough, and much less do the said documents refer to such a place as San Ignacio, although the name of such antiquity; and finally, according to the growth of said tree, which cannot exceed thirty-five or forty years of age, he believes it incompatible with fifty years which have elapsed since these lands were surveyed; and in regard to the marks on the tree with the axe, and which are visible, being near to the grounds, it may be inferred that the late Juan Moya, deceased, who had a little hamlet built at the said point, and dwelt therein for some time with a small stock of cattle, might have made the same. Further, this deponent declares that he had it from citizen Prieto that it is a fact that his father Don Pedro considered and recognized, as the legitimate boundary, the slough which the present alcalde recognizes as such, because the title papers mentioned that the said Don Pedro, with the surveyor, at that time established, and which Don Manuel acknowledges to be in his possession, but at the same time alleges that his father made a mistake in establishing the said bound-

ary, which in the opinion of this deponent is very strange and provoking, that Don Pedro should want to lose his property and leave it to the State; that the foregoing statement contains the truth, and is all he knows and has to say upon the oath which he had taken, upon the reading of which he ratified and confirmed the same; declared to be of thirty-five years of age, and that he is not embraced within the laws declaring the incompetency of witnesses, which declaration he subscribed with me and my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA,
JUAN LONGORIA Y SERNA.

Witness—IGNACIO CASARES,
Witness—FRANCISCO MAYORGA.

Thereupon personally appeared before me and my attendant witnesses, citizen Jose Antonio Garcia, a resident of this city, appointed appraiser on the part of the government of this State, to me known as such, who, upon being duly sworn and interrogated by me to that effect, declared and said that he witnessed with the utmost care and attention the operations of the present alcalde conducted this day from the tanque, and according to the same and his own judgment, he believes that the six cords mentioned in the titles of Prieto and Tijerina ought to be measured from the tanque to the east, as set forth in the said documents, and as measured by the present alcalde in accordance with them, at the termination of which six cords the slough or drain therein referred to ought to be seeked for to the south, and the same slough which the present alcalde considered and recognized for the legitimate dividing line will be found, for in the opinion of this deponent this is the real one, and not that situated at *San Ignacio*, because these are waters spread out a great distance, in relation to the *tanque*, and runs over the plains until it enters the *Laguna Madre*, situated at the *Loma de Montosa*, and from this lagoon it may be possible, although very improbable, that by the action of a strong ebb in the sea, may overflow the plains, and over them run into the *tanque*, although this deponent believes it unnatural, because water cannot run up the hill. In relation to the drain which in times past must have supplied the said *tanque* with water, this deponent is convinced from examination made which he witnessed, that the one situated adjoining the said *tanque*, from which the said present alcalde commenced running the said dividing line, is the right one, because up to the present moment the traces whereon the water ran into the said *tanque*, when the present lake was the river, for although at this time it does not supply the aforesaid *tanque* with water, perhaps it might be on account of being filled up with earth, and for the want of the current of the river, which formerly ran through it. In reference to the mesquite tree pointed out by the parties adjoining as the land-mark situated at *San Ignacio*, this deponent discovered no visible marks indicating

the sign of a cross to identify it as a land-mark, neither has he seen near the mesquite tree anything like a drain or a slough, nor do the title papers of the aforesaid parties adjoining make mention thereof, the contents whereof this deponent has heard read on repeated occasions. That the foregoing contains the truth, and is all that he knows and has to say upon oath which he had taken, upon the reading of which he ratified and confirmed the same, without favor or partiality; declared to be sixty-four years of age, and that he is not embraced within the laws defining the incompetency of witnesses, which declaration he subscribed with me and my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

On the twenty-second day of the same month in the aforesaid year, I, the aforesaid alcalde, umpire of the survey, in view of the operations performed on yesterday, which in every respect resulted the same as that had on the sixteenth of March last, and the depositions taken then, of citizens Domingo de la Fuente, Felipe Roque de la Portilla and Jose Maria Gomes, and extant on folios of thirty-eight to forty-one, and those taken to day, of citizens Juan Longoria y Serna and Jose Antonio Garcia, which also, in every particular, agree, whereby it is evident that all these deponents are unanimous in considering and recognizing no other point as the permanent land-mark, and the dividing line which approximates the nearest to the one mentioned in the title papers of the adjoining parties, than the slough, I, the aforesaid alcalde, have considered and recognized as the legitimate one, from whence, as such, I have run the dividing line to the north; wherefore, I, the aforesaid alcalde, decree and ordain that without entertaining any longer the groundless allegations of the adjoining parties, which only tend to embarrass this survey to the great damage of the interest of the State, and the accumulation of costs on the part of the petitioners, the said survey be resumed, the dividing line having been correctly run from south to north, from the point of beginning to that of its ending in the Arrollo Colorado, and should the said adjoining parties, Tijerina and Prieto, have any further allegations to make, let them prefer the same before the government of the State, against whom these rights are reserved, according to the orders of said government, declared in its superior decree of sixteenth of April last, extant on reverse of folio forty-three of this record, to which I refer; thus I have ordered, and decreed, and subscribed, with my attendant witnessses.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

Thereupon, I, the aforesaid alcalde, in view of the foregoing de-

cree to resume the survey of the lands of *San Martin*, *Santa Isabel* and *Buena Vista*, solicited by the aforesaid Treviño, Garcia, and Carza, and the dividing line run from south to north, having struck the mouth of the Arrollo Colorado, where it discharges its waters into the Laguna Madre, with one thousand and three hundred cords from the ebony marked with three crosses, which is the beginning point on the margin of the *Rio Grandy*, as extant on reverse on folio thirty-one of this record in my decree of said date, of which one thousand three hundred cords, thirty-seven cords, and forty-five varas ought to be deducted, which were measured in a direct line the ebony, marked with three crosses, to the mesquite marked with one cross, situated in the lake, which formally was the river, and near the slough existing, and which, I consider and recognize as the legitimate boundary, inasmuch as from this point the second line commenced from south to north, there is a small of land situated between the river and lake, belonging to said party adjoining citizen Tijerina, by which operation it results that the measure of this line to the *Arroyo Colorado* is one thousand two hundred and sixty-two cords and five varas, from which deducting nine hundred and ninety-three cords, according to the tenor of the title papers of the said party adjoining his back line, from south to north it remains a balance of two hundred and sixty-nine; which balance ought to belong to the State, and not to Tijerina, who considers the same as his own; which difference I have discovered at the conclusion of the line at *Buena Vista*, solicited by citizen Manuel de la Garza, and which proceedings are mentioned in my decree of the eighteenth instant, extant on folio forty-five of this record; which excess of land, I, the aforesaid alcalde, do cause to be mentioned in the proceedings for the purpose of reporting the same to the government of this State, in the act of transmitting to it this record, in the meantime let the ocular review of these lands be resumed, which was discontinued on the nineteenth instant. Thus I have decreed, and ordained, and subscribed the same with the surveyor, the inspectors, the petitioners, the instrumental witnesses who could write, and my attendant witnesses, in the absence of a notary public, according to law.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE FARIAS,
JOSE IGNACIO DE TREVINO,
MANUEL DE LA GARZA,
RAFAEL GARCIA.

Witness—IGNACIO CASARES,
Witness—JUAN LONGORIA Y SERNA.

On the twenty-fourth day of the said month, in the aforesaid year, I, the present umpire of this survey, being on the meadows of *Santa Isabel* with the surveyors, the inspectors, the appraisers, the peti-

tioners, and the remnant of my retinue, proceeded to the review of their meadow and the other lands solicited by citizen Rafael Garcia, and upon reviewing the same there were three salt lakes connected with the *Laguna Madre* which forms this meadow, on the margins of these lakes were several sand hills covered with tolerable good grass, three fresh water lakes and two drains or ponds, which, during the rainy weather accumulate, the duration of which is not permanent, but last more or less according to the season. Found all this land is a prairie without timber, covered with middling quality of grass. There were also found on them considerable stock of cattle, belonging to the party interested, and to others. Thereupon concluding this review, and being late for the operations were discontinued to be resumed on to-morrow. In faith whereof I make a record of these acts, and subscribe the same with the surveyor and with my aforesaid retinue and my attendant witnesses.

Attest,

MATIAS GARCIA,
DOMINGO DE LA FUENTA,
POLICARPO FARIAS,
JOSE FRANCISCO FARIAS,
JOSE IGNACIO DE TREBINO,
JOSE ANTONIE GARCIA,
ANDRES DE SALDANA,
MANUEL DE LA GARZA,
RAFAEL GARCIA,
JUAN TANQUE Y SERNA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the twenty-fifth day of said month, in the aforesaid year, I, the aforesaid alcalde, being present with the surveyors, the inspectors, the appraisers, the petitioners, and other bystanders, on the meadows of San Martin, solicited by citizen Ignacio Trebino, have proceeded to review of the said meadows, and in executing the same in the transit over them were found several salt water lakes, which nearly surrounded said lands, some high land and some sandy hills, thickly timbered, the grass whereof is nearly inferior, as well as that which covers the sea shore and the margins of *Boaa Chico* (the small inlet); there is no fresh water lakes, and the only permanent water is that of the *Rio Grande*, which runs along these lands, which in their whole tract are indifferent pasture lands, containing only in the bend of the river a tolerable good grass. There was also some cattle belonging to this petitioner, and to other individuals, found on them. Whereupon, terminating the present review of these meadows, and being late for the proceedings were suspended to be resumed on to-morrow.

In testimony whereof I make a record of these acts, which I subscribe with the surveyor and my aforesaid retinue and my attendant

witnesses, acting with them, in the absence of an attorney, according to law.

Attest,

MATIAS GARCIA,
DOMINGO DE LA FUENTA,
POLICARPO FARRIAS,
JOSE FRANCISCO FAREAS,
JOSE IGNACIO FARAIS,
ANDRES DE SALDANA,
JUAN LONGOREA Y SERNA.
JOSE IGNACIO TRATIONA.
MANUEL DE LA GARCA,
RAFIEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the sixth day of said month, in the aforesaid year, I, the aforesaid alcalde, notified the surveyor to prepare himself to survey the entire tract of land of *San Martin*, solicited by citizen Ignacio de Trabiño, and for that purpose there was brought before me a strong grass rope, well twisted and conditioned, which, after having been stretched, I caused the surveyor and inspectors to be before me, measured with a vara of Mexico of four quarters, and generally used and approved in this State, and having measured fifty exact varas, and tying each end to a handle in a manner that between the two handles there were but the fifty aforesaid varas, and the aforesaid parties interested, and the residue of my retinue above mentioned being present, the aforesaid survey was resumed, I, the aforesaid alcalde, being at the point and in front of the enclosed meadow called *Lomualta* (high ridge), with my whole retinue, same point where an ebony mark with four crosses is situated, which was established by me as a landmark on the line run from south to north, dividing the lands of citizen Tijerina from those of the petitioners, and which was established at the point of termination of those of citizen Ignacio Trabiño, and divided it from that of Rafael Garcia, as it will more fully appear by reference to my decree of fourteenth and fifteenth instants, and extant on folios fifty-two and fifty-three and its reverse of this record; and the cord being stretched from the foot of said ebony marked with four crosses, measured thence due east course on the second line one hundred and nineteen cords, at the termination of which reached the margin of the *Laguna Madre*, where I caused the said citizen Trebiño to set an ebony post marked with one cross, which he executed, and which was established as a permanent landmark of this boundary line, run from west to east, between the lands of said Trabiño and citizen Rafael Garcia. Thereupon, it being late, further proceedings were discontinued to be recommenced on tomorrow.

In testimony whereof I record the proceedings and subscribe the

same with the *the* surveyor, the inspectors and parties interested, and my attendant witnesses acting with them as aforesaid.

Attest, MARTIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPO FARIAS,
JOSE FRANCISCO FARIAS,
JOSE IGNACIO TRABINO,
MANUEL DE LA GARZA,
RAFIEL GARCIA,

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the twenty-seventh day of said month, in the aforesaid year, I, the aforesaid alcalde, with all my retinue aforesaid, and my attendant witnesses, at seven o'clock in the morning, and measuring the cord, giving it exact fifty varas present, at the point of termination of this survey, on yesterday having resumed the same, and the surveyor planting his compass at the aforesaid point, commenced surveying the meadow of *Lomo Alta*, and after several offsets to the south, always inclining to the east, the face of the country requiring it, with the hundred and seventy cords reached the *Laguna Madre* at the bottom of said meadow. This line, from its commencement on yesterday to where it terminated to-day, contains two hundred and eighty-nine cords, running from west to east. It being late, further operations for the day were discontinued, to be resumed on to-morrow.

In due testimony whereof I make a record of these proceedings, which I subscribe with the surveyor, with my aforesaid retinue and my attendant witnesses.

Attest, MARTIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARP FARIAS,
JOSE FRANCISCO FARAIS,
JOSE IGNACIO DE TRABINO,
MANUEL DE LA GARZA,
RAFIEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the twenty-eighth day of the said month, in the aforesaid year, I, the aforesaid alcalde, with my aforesaid retinue, retroceded from the bottom of the said meadow, *Loma Alta*, to place myself in the during time which, from south to north, separated these lands from those of Tijerina, and being at the point where an ebony was established, distant two leagues from the Rio Grande to the north, on the same dividing line, and, after measuring the cord, giving it fifty varas, the surveyor planted his compass, and struck a line from west to east, and where it measured fifty cords, and there still being land

to the north, measured forty-three cords, and reached the *Laguna Madre*, from where retroceding to the point the termination of the fifty aforesaid cords, and taking course due east with twenty-two cords, reached the said *Laguna Madre*, from whence, taking an effect to the south, and with forty-two cords, came to the hill, and Mott of *Montoan*; thence remeasuring, the cord took course east, and with fifty-one cords came to an inlet or bayou; thence took an offset to the south, and measured ten cords; again took course east, and measuring eighteen cords, and taking an offset to the north, and measuring twenty-nine cords, and came to the *Laguna Madre;* thence took course again east, and with two cords reached the margin of the *Laguna Madre*, and, planting the compass at the said point, took course southeast, and measured twenty-one cords, and taking course northeast, quarter east, with forty-eight cords, came to a lake; thence took course north, and, with sixteen cords, reached the *Laguna Madre*, from whence retraced to the point where the forty-eight cords terminated, from whence run a line south until with thirty-six cords struck the *Rio Grande*, from whence again retroceded to the margin of the *Laguna Madre*, the termination of the sixteen cords above mentioned; from whence, taking due east course, and with one hundred and sixty-nine cords, came to the *Arroyo da las Unisacha*. It being late, for the operations for this day were discontinued, to be resumed on to-morrow.

In evidence whereof, I make a record of these proceedings, which I subscribe with the surveyor, my above-said retinue, and my attendant witnesses.

Attest, MATIAS GARCIA,
JOSE FRANCISCO FARIAS,
DOMING DE LA GARZA,
POLICARP FARIAS,
IGNACIO DE TRABINO.
MANUEL DE LA GARZA,
RAFIEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the twenty-ninth day of the said month, in the aforesaid year, I, the aforesaid alcalde, with the surveyor and the above-mentioned retinue, being at the *Arroyo* mentioned, and after remeasuring the cord, giving it exact fifty varas, took a due north course, and with forty-three cords came to the *Laguna Madre*, and retroceding to the point on the *Arroyo de los Unisaches*, from thence taking course due south, with twenty-six cords struck the *Rio Grande*, from whence again retroceding to the same aforesaid point on the *Unisaches*, and remeasuring the land following due east course, and with one hundred and sixteen cords reached the seashore, where I caused a landmark to be erected, from thence I repaired to the mouth of the *Rio Grande*, on the bank of which the surveyor planted his compass,

and struck a due north *north* course, which measured forty-five cords along the beach, at the termination of which came to the above-mentioned landmark, situated on the line run from east to west, from thence following the same course north along the said beach until at the end of sixty-one cords reached the margin of the *Broyo Chico*, which was established as the boundary from whence took due west course, and with forty-two cords came to the *Laguna Madre*, when, on account of being late, further operations for the day were discontinued, to be resumed on to-morrow. In testimony, I make a record of these proceedings, and subscribe the same with the surveyor, my retinue, and attendant witnesses.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUERTE,
POLICARPE FARIAS,
JOSE FRANCISCO FARIE,
IGNACIO DE TREBIÑO,
MANUEL DE LA GARZE,
RAFAIL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA SERNA.

On the first day of December of the aforesaid year, in consequence of being a holyday yesterday, I, the aforesaid alcalde, with the surveyor and the residue of my retinue being stationed on the bank of *of* the *Rio Grande*, and the hill called *Palmite*, the point where the thirty-seven cords terminated, of which mention is made in my decree of twenty-eighth witness. After remeasuring the cords, struck on a west course from the said point and at the distance of eleven cords from it, changed course to the south, and continued on the same until striking the *Rio Grande* at the of forty-seven cords from it, changed course west, and with eighty-one cords reached the point called *Salesitu*, whence changing course south struck the *Rio Grande* at the end of twenty-six cords, thence again resuming a west course measured thirty-eight cords, at the end of which took a south course, and with eight cords came to the *Rio Grande*, from whence retroceding to the point of termination of the thirty-eight cords aforesaid, from whence took course west, and with seventy-two cords struck the dividing line running from south to north, which separates the lands from those of citizen Tijerina, from which line I, the aforesaid alcalde repaired with my whole retinue to the *misquite tree* marked with one cross, which I established as the permanent landmark at the slough which is situated on the aforesaid dividing line, and being stationed at the said *misquite tree* the surveyor planted his compass at the foot of it, and thence struck a line due east course when which seventeen cords measured, and with them reached a point of termination of this line on the said river. Having thus concluded the survey of the line running from south due north from the said *misquite tree* marked with one cross,

situated at the aforesaid slough on the dividing line of Tijerina to the ebony post marked with four crosses, which was established as a permanent landmark on the line separating Trabiño and Rafiel Garcia, and which line contains three hundred and thirty-one cords and five varas, at which point the said survey closed, and embraces within it the meadows of *San Martin*, the enclosed meadow called *Lome Celta*, the table land of *Burro* (Ass), the table land of *Gavilan* (Hawk), the table land *Palmito* (Palmetto), its longitude from east to west to the sea beach is four hundred and eighty-seven cords, its opposite side one hundred and nineteen cords, its latitude from north to south is three hundred and sixty-nine cords, at its opposite point, from the mouth of the *Rio Grande* into the sea to the *Braye Chico* is one hundred and six cords, its specific boundaries and on the south the *Rio Grande*, on the north the meadows of *Santa Isabel*, on the east the sea, and on the west the lands of citizen Manuel Prieto, separating the said Prieto and petitioner Trebiño, a lake which formerly was the river, where each of them will have to limit themselves to their own share, and to recognize for the boundary line of their premises the aforesaid lake. In due testimony I make a record of these proceedings, which I subscribe with the surveyor, my retinue, and my attendant witnesses, suspending further operations, it being late, to resume to-morrow the survey of the lands of *Santa Isabel* solicited by citizen Rafiel Garcia.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUERTE,
POLICARPO FARIA,
JOSE FRANCISCO FARIAS.
JOSE IGNACIO TREBIÑO,
MANUEL DE LA GARZE,
RAFIEL GARCIA.

Witness—IGNACIO CESARES.
Witness—JUAN LONGORIA Y SERNA.

On the second day of the said month, in the aforesaid year, I, the aforesaid alcalde, with the surveyor, the inspectors, the parties interested and my attendant witnesses, and who accompanying me at seven o'clock A. M., stationed at the ebony post, marked with four crosses, which on the boundary line run from south to north divided the lands belonging to citizens Trebiñ and Garcia, the first to the south and the last to the north, and same as a landmark for the dividen from west to east, and being measured already one hundred and nineteeen cords from west to east until reaching the *Lagana Madre* the line which divides the two parties interested, and being also measured two hundred and eighty-one cords from the point to the north on the dividing line of the said Tijerina and those lands to a thick ebony, marked with one cross, on the said line, at the distance of sixteen cords north of the rancho *San Juan del Rita*, as it appears in my decree of fifteenth ultimo, and extant on the reverse

of folio fifty-three, proceeded with my whole retinue to the aforesaid point, where the aforesaid two hundred and eighty-one cords terminated, and being stationed there and the surveyor planting his compass at the foot of said ebony, marked with one cross, and from there struck a line due east, and remeasuring, the cord previously being well stretched, giving it fifty varas exact measure, with it from thence one hundred and ninety-eight cords, at the end of which came to the *Laguna Madre*, where I caused a thick ebony to be marked with one cross, and established it as a landmark; thence taking a due south course, crossing several points of the *Laguna Madre*, which form the meadows *Grullo* (the crane), and with one hundred and twenty-nine cords came to the *Mageta Prieto* (the black Mott), where the rancho of the party interested is situated leaving it on the side of *Laguna Madre*, and without this line at the distance of four cords, it being late, further proceedings were discontinued, to be resumed to-morrow. In due testimony whereof, I make a record of these proceedings, which I subscribe with the surveyor, the inspection parties interested, and my attendant witnesses, acting with them as aforesaid.

Attest,

MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPO FARIAS,
JOSE FRANCISCO FARAIS,
JOSE IGNACIO TREBINO,
MANUEL DE LA GARZA,
RAFAIL GARCIA.

Witness—IGNATIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the third day of said month, in the aforesaid year, I, the aforesaid alcalde, being stationed with my whole retinue at the point where the survey of yesterday was discontinued, remeasuring the cord giving it fifty varas exact, and planting the compass at the aforesaid point, struck a line due south, and on it measured fifty-two cords, at the end of which came to a lagoon, which forms the entrance to the meadows of *Sante Isabel*, and following the same course to the south with fifty other cords, crossed the said lagoon, and continuing on the same course with nineteen cords more reached *reached* the *Lagoone Madre;* this line contains in its whole extent two hundred and fifty cords to this point, from which changed course due east, and with forty-seven cords came to the *Lagune Madre*, then taking course north again reached the *Lagune Madre*, at the end of sixty-nine cords, from whence, after remeasuring the cord, returned to the point of termination of the forty-seven cords above stated, from whence following due south course reached the *Meadows of Las Blancas* (the white), at the end of eighty-three cords; from thence measured thirteen cords to the north on the same line, and then we took a due east course, and with twenty-six cords struck the *Lagune*

Madre, which forms this meadow; thence north measured fifty cords, and changed course due east and measured thirty-four cords; it being late, further operations were suspended, to be resumed on to-morrow. In due testimony whereof caused a record to be made, which I have subscribed with the surveyor, the inspector, the petitioners, and my attendant witness, acting with them as aforesaid.

Attest,

MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE FRANCISCO FARAIS,
IGNATIO DE TREBINO,
MANUEL DE LA GARCIA,
RAFAIL GARCIA.

Witness—IGNATIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the fourth day of said month, in the aforesaid year, I, the aforesaid alcalde, with my whole retinue above mentioned, being stationed at the point above mentioned of termination of the survey of yesterday, and the cord being remeasured, giving it exact fifty varas, the surveyor planted his compass and followed up the same line due east course, and with thirty-seven cords reached the *Lagune Madre*, thence taking course south and with twenty-eight cords, again reached the said *Lagune Madre*, thence changing course due east and with eleven cords, came again to the said *Laguna Madre*, thence running due north and at the end of thirteen cords, again reached the said *Laguna Madre*, thence retroceding to the point of termination of the thirty-four cords on yesterday to the east, and being stationed there, struck due south and thereon measured forty-five cords, at the end of which he again returned to the point of termination of the aforesaid thirty-four cords, and being stationed there, struck a line due north and thereon measured eighty-three cords, until it reached the *Lagoone Madre*, thence changing course due east and with ninety-three cords, struck the bluff of *Santa Isabel*, thence turned due south and with twenty-six cords, came to the *Lagune Madre*, thence running course southeast and with forty-four cords, again reached *Laguna Madre*, where the present survey of the meadows of *Sante Isabel*, solicited by citizen Rafail Garcia closed, embracing within it the meadows of *Grullo*, the meadows of *Bleneas* and the whole meadow of *Santa Isabel*; the length of those lands contain from south to north on one side, two hundred and eighty-one cords, and on the other side two hundred and and fifty cords, its breadth from west to east, one line is one hundred and nineteen cords, and on the other side fronting the meadow of *Buena Vista*, one hundred and ninety-eight cords; this meadow of *Santa Isabel*, which is in the form of a bend to the east, has in length from west to east, one hundred and sixteen cords; its breadth from north to south, the surface of it being irregular in one place has eighty-one cords, at others *at others* more, as at others less, for which reason it has no determined breadth; the

specific boundaries of these lands are on the south the meadows of *San Martin*, solicited by citizen Ignacio de Trabiño, on the north the meadow of *Buena Vista*, solicited by citizen Manuel de la Garza, on the east the *Lagune Madre*, and on the west the lands belonging to the estate of which citizen Juan Tijerina is the attorney; besides the above specific boundaries, the landmarks dividing these lands which I have caused to be erected and established on the dividing lines, as it will be seen by reference to my former decree and declared to be such; it being late, further operations were suspended for to-day, to be resumed to-morrow, the survey of the meadows of *Buena Vista*, solicited by Manuel de la Garza, in due testimony whereof, I have caused a record to be made of them, proceedings which I subscribe with the surveyor, the inspectors, the petitioners, and my attending witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIAS,
JOSE FRANCISCO FARIAS,
JOSE IGNACIO DE TRABIÑO,
MANUEL DE LA GARZA,
RAFIAL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the fifth day of said month, in the aforesaid year, I, the aforesaid alcalde, being stationed with the surveyor and my above-mentioned retinue on the margin of the bayou or inlet *Ataseso* (boggy), where the dividing runs from south to north terminated, of the land solicited by the aforesaid Don Manuel de la Garza, and the point where the ebony, marked with one cross, which I have caused to be established for a landmark on the sixteenth of November last, as it appears in my decree of that day extant, on folio fifty-four of this record, is situated, have caused the surveyor to fifty-seven measures, the cord giving it fifty exact varas, and planting his compass at the foot of the said ebony marked with one cross, struck a line from thence due east, and measured ninety-eight cords, reaching the *Lagun Madre*, and retroceding from thence west thirty-one cords, on the same line, and taking course thence due north, measured one hundred cords, and remeasuring the cords, and changing course east, with eight cords came to the *Lagun Madre*, thence took course due west, and measured seventy-three cords to a bayou or inlet, which forms the meadow of *Buena Vista*, from which retroceding to the point of termination of the aforesaid one hundred cords, and following the same course north, and at the end of seventy-one cords arrived to the *Laguna Madre*, from whence took course east, and with seventeen cords again reached the *Laguna Madre*, thence course north, and with eight cords again touched the *Laguna Madre*, thence changing course east, and at the end of seven cords came to a bayou

or inlet which issues from the said *Laguna Madre*, and forms a small meadow, and crossing the said inlet to another tolerable sized meadow, situated within the *Laguna Madre* (an island), and following the same course east, with twelve cords arrived at the said *Legune*, thence changing course south, measuring forty-eight cords, at the end of which again came to the said *Legune*, thence turning west, and with thirteen cords, and again reached the said Legune, thence running south, and with twelve cords came to the said *Legune*, thence changing course to the southwest one quarter west, measured thirty cords, with which concluded the survey of the said island, then returned to the margin of the *of the Laguna Madre* to the termination of the ninety-eight cords on the first line run this day from west to east; it being late, further operations were discontinued for to-day, to be resumed on to-morrow. In due testimony whereof I have caused a record to be made of these proceedings, which I subscribe with the surveyor, the inspector, the parties interested, and my witnesses acting with them, in the absence of a notary public, according to law.

Attest:

MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPO FARIES,
JOSE FRANCISCO FERIOS,
MANUEL DE LA GARZA,
RAFIEL GARCIA,
JUAN IGNACIO DE TRABINO.

Witness—IGNACIO CASARES.
JUAN LONGORIA Y SERNA.

On the sixth day of said month of the aforesaid year, I, the aforesaid alcalde, with my whole above-mentioned retinue, being stationed at the point of termination of the ninety-eight cords measured on yesterday, and referred to in my preceding decree, caused the land to be remeasured, giving it fifty exact varas, and taking a course due south from the said point, and at the end of thirty-eight cords came to the point of the *Lagune* which forms the meadow of *Huegardo*, thence course east, and with fifty-eight cords came to the *Lagune Madre*, thence changing course north, and with eleven cords again reached the *Lagune*, thence retroceding to the point of termination of the fifty-eight cords above mentioned, from whence taking south course, and measuring fifty-two cords to the entrance of a small meadow, from whence in a due east course, measured nine cords to the *Laguna*, which forms the said meadow, thence changing course northeast, and with thirty cords came to the *Laguna Madre*, thence east, with twenty-five cords, came again to said *Laguna Madre*, thence northeast, with fourteen cords reached again the said *Laguna Madre*, thence retroceded to the point of termination of the nine cords aforesaid, and from thence due south, measured fifty-four cords, thence changed course east, and with fifteen cords neared to the

Legune Madre, thence changing course south, measured thirty cords, thence again changing course east, reached the *Lagune Madre* with fifteen cords, thence south, measured twenty-five cords, thence east, with sixteen cords, to the *Laguna Madre*, thence south, eighteen cords, at the end of which changed course east, and with fifteen cords came to the *Laguna Madre*, from whence changing course due south, and measuring the cord at the end of one hundred and twelve cords arriving at the ebony, marked with one cross, situated on the dividing line north to south, and established as a permanent landmark, dividing the parties interested, Don Manuel de la Garza and Don Rafiel Garcia, which I caused to be erected on the fifteenth of November last, as it appears in my decree of that date, and extant on the river of folio fifty-three of the record, with which the survey of the land solicited by the aforesaid Garza remains closed, embracing in it the meadow of *Buena Vista*, a small meadow; a meadow or island in the *Lagune Madre;* the meadow of *Huegardo*, and another small meadow formed by the said bayou, the bend of the *Lobitor* (the wholly), the *Comites* and *Palos Blancos;* its breadth from east to west is ninety-eight cords on one side, and on the other side, fronting the meadow of *Sante Isabel*, contains one hundred and ninety-eight cords; its length from south to north on one side is three hundred and twenty-nine cords, and its opposite side contains two hundred and eighty-nine cords; the meadow of *Buena Vista*, which belongs to the same lands, has a length from north to south, one hundred and seventy-one cords, and the breadth from west to east, formerly the entrance to the said meadow, of ninety-eight cords; it has no breadth on the side fronting to the north, because it terminates in an angle. The few *boundaries besides those* which *I have caused to be erected* as *dividing landmarks*, are on the lands of *Sante Isabel*, on the north the lands belonging to the State, on the east the *Laguna Madre*, and on the west the lands belonging to citizen Juan Tijerina. In due testimony I have made a record of these proceedings, which I subscribe with the surveyor, my retinue, and attendant witnesses.

Attest:

MATIAS GARCIA,
DOMINGO DE LA FUENTE,
POLICARPIO FARIES,
JOSE FRANCISCO FEREIS,
JOSE IGNACIO DE TRABINO,
MANUEL DE LA GARZA,
RAFIEL GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the aforesaid day of said month, in the said year, having concluded and closed the whole survey of the lands of *San Martin*, *Santa Isabel*, and *Buena Vista*, the first solicited by Ignacio Trebiño, the second by citizen Rafiel Garcia, and the third by citizen

Manuel de la Garza, surveyed and marked out for them respectively, I, the aforesaid umpire of the survey, do declare them concluded and according to law, and to the satisfaction of the petitioners, the surveyor, and other bystanders, and having no further operations to perform on the said land, I have concluded to withdraw and continue the further proceedings necessary in the premises.

In testimony whereof I sign these presents, with the surveyor and the rest of my retinue, and my attendant witnesses.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE,
PELICARPIO FARIES,
JASA FRANCISCO FARIES.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

In the city of Matamoros, on the ninth day of the said month in the aforesaid year, in consequence of the two foregoing days having been holydays, I, the aforesaid umpire of survey, have resolved, in view of these surveys being concluded, I ordain citizen Domingo de la Fuente, the surveyor, appear before me, and to adjust the account and declare the number of leagues of grazing lands for large and small stock, *ceballeria* tracts and lots embraced within each of the before mentioned lands and meadows respectively, and return the same to me to regulate them to these proceedings, it being understood that he has to perform the same within the precise and peremptory time of sixty-two hours with due exactness. This I have ordered and decreed, and subscribe with my attendant witnesses. Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES, FRANCISCO MAYORGA.

Thereupon, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, citizen Domingo de la Fuente, surveyor, whom I notified of the time of my foregoing decree, and furthermore that within the said time of sixty-two hours he is required to return the same with the said account, a map representing each of the aforesaid tracts of land, whereupon he responded that he is ready to execute the acquirements in the manner specified, which answer he subscribed with me and my witnesses.

Attest, MARTIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—JUAN LONGORIA Y SERNA.

On the eleventh day of said month, in the aforesaid year, personally appeared before me the surveyor, citizen Domingo de la Fuente, who in the act delivered me a map which represents the lands surveyed and their length and breadth, being the meadows of *San Martin* and *Santa Isabel* and *Buena Vista*, each separately, with a particular description of each accompanying for that purpose the

respective notes, from which it appears the account of the number of leagues *echallein* and square varas, and thereupon he stated that (*Enos excepted*) the meadows of *San Martin* contain, according to the survey made by him, five leagues seven *caballerias* and two hundred eighty-seven thousand three hundred and sixty-three square varas as it appears by its respective account and notes; that the meadows of *Santa Isabel* contain seven leagues nine *caballerias* and one hundred and sixty-five thousand three hundred and twenty-eight square varas as it likewise appears by its respective map account and notes; that the meadows of *Buena Vista* contain six leagues thirty-one *caballerias* two hundred and thirty thousand eight hundred and fifty-two square varas as also appears by its respective account and notes; that the foregoing is the truth, and that he acted faithfully and according to law to the best of his knowledge and belief, without prejudice or partiality, under the oath which he took at the time of accepting his appointment, all of which he subscribed with me and my attendant witnesses.

Attest, MATIAS GARCIA,
DOMINGO DE LA FUENTE.

Witness—IGNACIO CASARES, FRANCISCO MAYORGA.

Thereupon, I the aforesaid alcalde, herein seen and admitted the map and notes hereunto annexed, and the account formed separately for each of the aforesaid lands of *San Martin, Santa Isabel, and Beuna Vista*, and of the leagues, Caballerias, and square varas contained in each, have resolved to approve them and sign with my signet, I ordain to be annexed to them proceeding for the necessary purpose, thus I have ordered and subscribed with my attendant witnesses. Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

Thereupon, I, the aforesaid alcalde, in view of the whole survey of the aforesaid lands being concluded and closed, have resolved to cause citizens Juan Antonio Garcia and Andres de Saldaña and Juan Longoria y Serna, of this city, appointed appraisers, the first on the part of the state, and the two last on the part of the petitioners, to be summoned to appear before me for the purpose to appraise the aforesaid lands in accordance with the provisions of the twenty-third article of the colonization laws, and in view of the review of the said lands made by them in my presence regulating the same by the more or less advantages they possess; thus I have ordered and decreed, and subscribed the same with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES,
Witness—FRANCISCO MAYORGA.

On the thirteenth day of said month, in the aforesaid year, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, the above mentioned citizens, appraisers, to me known as such, who after being by me notified of the tenor of my foregoing decree, declared that they would, as they did in fact, proceed before me to the appraisement of each of the aforesaid tracts of land, and after sufficiently discussing the matter they unanimously agreed upon the following valuation, to wit: That in faithful compliance of the duties of the office confided to them they repaired with the present alcalde to the aforesaid three tracts of land and remeasured the same, and being at *San Martin* they examined the quality of the said land, and found that it has the advantage of being supplied permanently with water from the *Rio Grande*, which with little labor could be made to afford watering places for stock, besides those already along the banks; there are some bends along the river susceptible for agricultural purposes covered with some tolerable good grass, there is also some at the entrance; the remaining part of the said land has but little or bad pasture, for which reasons, and the advantages offered by permanent water, and the most part of these lands being pasture lands, and the river bends only affording some for farming purposes, we unanimously agree to appraise each league at forty-five dollars, saving the pleasure of the state; the meadows of *Santa Isabel* upon the most scrupulous examination was found not to have any running water nor fresh water lakes; it is well enclosed by water, less protected by timber; there are on the said meadows three fresh water ponds and two drains, which accumulate during the rainy season, which, however, are not permanent, but last according to the season; it has tolerable good grass for pasture throughout its whole extent, but is void of any portion of land fit for farming, inasmuch as it is altogether pasture lands, for which reason, and on account of its small meadows, and the enclosed meadow—situated to the east—affording only cattle ground, we unanimously valued at thirty-six dollars each league; the land of *Buena Vista* having neither running water or lakes, it has an ample extent to the south, with good enclosures and high lands, and in some places prickly pear thickets (nepales); it has also good pastures for all kind of stock, open mounds and meadows and more for farming purposes; it has on its extent three ponds and one drain of fresh water, which, however, are not permanent, but accumulate during the rainy season, and last only according to the season, for which reason we unanimously appraise each league at thirty-six dollars, having the pleasure of the supreme government; further they declare that none of these lands possess useful timber nor saltpetre, land for cattle, wherefore they believe that the above appraisement are just and true to the best of their knowledge and belief, without favor or partiality, upon the oath they have taken at the time of accepting their appointment, which declaration they sub-

scribe with me and my attendant witnesses acting with them as aforesaid.

Attest, MATIAS GARCIA,
JOSE ANTONIO GARCIA,
ANDRES DE SALDANA,
JUAN LONGORIA Y SERNA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

Thereupon I, the aforesaid alcalde, in view of the foregoing appraisement, made by the appraisers appointed, of the lands of *San Martin*, *Santa Isabel*, and *Buena Vista*, surveyed and laid off by me, the said umpire, for citizens Ignacio Treviño, Rafael Garcia, and Manuel de la Garza; and the said appraisement appearing to me just and correct, I declare the same legal and legitimate, always saving further depositions of the government of the State, to which I submit.

In testimony whereof, I made a record of the same, which I subscribe with my attendant witnesses.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

On the fifteenth day of said month, in the aforesaid year, I, the aforesaid alcalde, have resolved that, inasmuch as the record of the proceedings of this survey is concluded, therefore let the parties adjoining citizen Jose Tijerina and Manuel Prieto be cited to appear before me to be notified that the said surveys closed, and that I am going to make a report of the same to the Governor of the State, that his excellency may be pleased to make the award, and to order that possession may be given to the parties interested, and, should they have anything more to allege in reference to the said survey, that their right is reserved, and they can present their grievances separately and directly to the government against the State, for it is the State that grants the land, and in the name of which the possession will be given according to the declaration of the said government, in conformity with the advice of its council, transmitted in superior dispatch of sixteenth of April last, and extant on reverse of folios forty-two and forty-three of this record; and should they make the said demonstrance, it is to be done through the medium of this tribunal, or by appearing before said government, as it may most suit them. Thus I have ordered and decreed, and subscribed myself with my attendant witnesses.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

On the said day of the said month, in the aforesaid year, I, the

aforesaid alcalde, in accordance with my foregoing decree, and appearing before me citizen Manuel Prieto, and citizen Juan Tijerina being absent on account of being very sick, have notified the said Prieto of the tenor of my foregoing decree, who thereupon answered and said that, although he was the attorney of Doña Habiera de la Garza to represent her action, he will not only answer as a party adjoining, but that in union with the co-heirs; that he will remonstrate in a manner most suitable to all parties, and that, up to the present moment, he is ignorant of the said survey, which was executed by this present alcalde without citing this respondent to appear to witness the same. Thus he responded, and subscribed the same with me and my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA,
MANUEL PRIETO.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

On the thirteenth day of the said month, in the aforesaid year, I, the aforesaid alcalde, in view on the conclusion of the survey of the three tracts of land, *San Martin*, *Santa Isabel*, and *Buena Vista*, and, having complied with the superior decree of the government of this State of the sixteenth of April last, and with the provision of colonization law of the said State, to the best of my ability and limited knowledge, have resolved that this record of proceedings be transmitted to his excellency, that, in view thereof, he may cause the award of the said lands to be made to the parties interested; also that possession be given to them in view of suitable titles, previously issued thereto, should his excellency deem it just, and there being no further proceedings necessary on my part, so far as I am aware of it. Thus I have ordered and decreed, and subscribed with my attendant witnesses, acting with them as aforesaid.

Attest, MATIAS GARCIA.

Witness—IGNACIO CASARES.
Witness—FRANCISCO MAYORGA.

This record is transmitted to his excellency the governor of this State, consisting of ninety-two written and six blank folios, the title-page not included.

In evidence whereof, I sign it with my signet.

[Place of the signet.]

City of Victoria, January 15th, 1829.

Referred to the government council.

FERNANDEZ.
ELENO DE BARGOS.

Excellent Sir: This council having ascertained the contents of this record from folios forty-four to ninety-two, has resolved to advise your excellency that, although citizens Manuel Prieto and

Tijerina objected to and were not satisfied with the boundaries established, and without being willing to appear and witness the survey of the lands solicited by Treviño, Garcia, and Garza, and the rights thereto being decided by the government, and which the said Prieto still alleges to them, nevertheless it is evident that the umpire of the surveys, ratifying all of his proceedings, has executed the same with all possible precision, establishing land-marks to each tract of the solicited lands, endeavoring to ascertain the truth, paralyzed for want of ancient land-marks, and by continual contention of Prieto and Tijerina, thus considering that the aforesaid alcalde complied on his part with the duties assigned to him. There remains nothing more than approving his proceedings, and are ordered to be issued to put the grantees in formal possession of the said lands, they previously paying for them their value, the government verifying their record to the attorney-general, that he may, upon reviewing its contents from folio twenty-six to sixty-four, given his opinion in reference to the interest of the State, relating to the balance of the vacant lands, and the defects noted in the documents presented by Prieto, because, as it appears, he ought to have consummated his memorial for the lands which he calls his own; but, not having it done within the term prescribed by law, it appears that those lands are subject to entry, the attorney-general giving his opinion upon the points above referred to previous to the government deciding upon the points embraced in the first part of this advice.

City of Victoria, 21st of January, 1829.

Sixt and JOSE CRISTOBAL SASALLA,
Member and Secretary.

City of Victoria, 22d of January, 1829.

Referred to the attorney-general of the Supreme Court of Justice of the State. FERNANDEZ APOLINAR GARCIA.

Excellent Sir: The attorney-general finds no defect in the operations had on survey of the lands situated in the jurisdiction of Matamoros, solicited by Ignacio Treviño Rafael Garcia and Manuel de la Garza, and only for the want of description of the landmarks in a durable manner, as it ought to be done, and is required by law, wherefore the grant of said land upon the payment of this aforesaid value, which are mentioned in the proceedings, and ordering the establishment of permanent landmarks may be made, the lands which appear as an excess from the termination of the survey to the *Arroyo Colorado*, according to titles of citizen Juan Jose Tijerina, appertain to the State, and ought to be sold, preferring the owners of the said land, and your excellency may thus decide upon hearing of the claimant. After the lapse of forty days from the publication of the colonization laws, no claim for land commenced under the former government ought to be entertained for its consummation, and

citizen Manuel Prieto being in such a case, his allegations are inadmissible.

City of Victoria, 24th of January, 1829, 6th of the installation of the Congress of this State. LICENTIATE GOL.

City of Victoria, 24th of January, 1829.

In conformity with the opinion of the attorney-general, the first alcalde of Matamoros will cause landmarks to be erected on the lands solicited by citizens Ignacio Treviño, Rafael Garcia, and Manuel de la Garza, and will put them in possession thereof upon the payment of their value, as provided by the twenty-third article of the colonization law, and in compliance with the requisitions extant on folios eighty-four to ninety-one of this record; the lands which appear to the excess are subject to entry as the rest of the public domain, and the memorial presented by citizen Prieto remain null and void, and which I declare to be out of reason, according to the opinion of the attorney-general, in obedience to the provisions of the aforesaid colonization law, and by the authority vested in me by the aforesaid law, I hereby declare the aforesaid citizens Ignacio Treviño, Rafael Garcia, and Manuel de la Garza, after having entered into possession of *of* their respective lands, upon the payment of their appraised value, the true and lawful owners and cords of the same, and for their security they will apply to this government for the title to the same, with a duly authenticated certificate proving they are in possession thereof. FERNANDEZ,

In the absence of the secretary, Apolinar Garcia.

Explanation of the plot of survey and delineation of the meadows of *San Martin*, situated in the jurisdiction of Matamoros, solicited by citizen Ignacio Treviño. Delineation: figure 1st, B, I, L, M, N, 2 S, T, delineate the shape and superficies of the land; from point B, which is the bank of the *Rio Grande*, a line was run from south due north, and on it three hundred and sixty-nine cords were measured, which ended in I, which point was laid off as the lands of citizen Ignacio Treviño; from point I, from west to east, until striking the Laguna Madre, and thereon measured one hundred and nineteen cords, and ended in L, and the line was established as the dividing between the lands of *San Martin* and those of *Santa Isabel;* the points B, I, S, N, 2, do not form a square, nor any portion, on account of being of irregular surface and terminated in more than four sides, for which reason, and to find out its superficial contents, it was necessary to perform many and distinct operations in relation point S to point M, and were effected by fifteen operations, which appear on the map, with their corresponding numbers on each side; and returning from north to south to point G F, from operations performed, and returning to point S, beginning from No. 11 to point C, seven operations were made, when the survey of this land closed

as delineated on the plot, and its reductions into varas follows, to wit:—

Squares, the triangle A, B, C, which has a right angle at A, in thirty-seven cords in length by seventeenth in breadth, it contains a superficies of seven hundred and eighty-six thousand two hundred and fifty square varas, 786,250. The right angle between A and C is fifty-five cords in length by seventeen in breadth, contains a superfices of two millions three hundred and thirty-seven thousand five hundred square varas, 2,337,500.

3. The triangle below the right angle A and C, is fifty-five cords in length by fifty-five cords in breadth, contains superficies of three millions seven hundred and eighty-one thousand two hundred and fifty square varas, 3,781,250.

4. The right angle C is sixty-two cords in length by eight in breadth, contains a superficies of one million four hundred and forty thousand square varas, 1,440,000.

5. The triangle below the parallelogram C is thirty-eight cords in length by eight in breadth, contains a superficies of three hundred and eighty thousand square varas, 380,000.

6. The right angle D is one hundred and ten cords in length by twenty-six in breadth, containing a superficies of seven millions one hundred and fifty thousand square varas, 7,150,000.

7. The triangle below the right angle D is eighty-one cords in length by twenty-six in breadth; it contains a superficies of two millions six hundred and thirty-two thousand five hundred square varas, 2,632,500.

8. The right angle E is one hundred and twenty-three cords in length by thirty-two in breadth; it contains a superficies of nine millions eighty-four thousand square varas, 9,084,000.

9. The three right angles which are below the right angle are sixty-nine cords in length by twenty-two in breadth; it contains a superficies of three millions and ninety-five thousand varas, 3,095,000.

10. The right angle (the smallest) is eighteen cords in length by ten in width; it contains a superficies of four hundred and fifty thousand square varas, 450,000.

11. The middle size, right angle, is twenty-nine in length by two in breadth; it contains a superficies of one hundred and forty-five thousand square varas, 145,000.

12. The right angle E, below number ten, and is marked 29, is sixty-three cords in length by twenty-nine in breadth; it contains a superficies of four million five hundred and sixty-seven thousand five hundred square varas, 4,567,500.

13. The triangle is formed by the lines forty-seven and eleven is forty-seven cords in length by eleven in breadth; it contains a superficies of five hundred and twenty-one thousand two hundred and fifty square varas, 521,250.

14. The right angle F is sixty-two cords in length by forty-two

in breadth; it contains a superficies of seven millions five hundred and fifty thousand square varas, 7,550,000.

15. The triangle below right angle F is fifty-one cords in length by forty-two in breadth; it contains a superficies of three millions one hundred and seventy-seven thousand five hundred square varas, 3,177,500.

16. Another triangle further below marked 11, and the figures forty-eight and twenty-one together form a large triangle which has sixty cords in length by fifty-two in breadth. It contains a superficies of three million nine hundred thousand square varas, 3,900,000.

17. The triangle which has its vertices in R, is sixty-nine cords in length and twenty-six in breadth; for the difference which is from the twenty-six to fifty-two, which makes thirty-six and sixteen, which are in the same line, the superficies of which is five million four hundred and ninety-two thousand and five hundred square varas, 5,492,500.

18. The triangle forty-five, which also has its vertices in R, is one hundred and sixteen cords in length by nineteen in breadth, for the difference, which is from twenty-six to forty-five. It contains a superficies of two million seven hundred and fifty thousand square varas, 2,755,000.

19. The right angle O, marked with numbers one hundred and sixty-nine and one hundred and sixteen, is two hundred and sixty-five cords in length by twenty-six in breadth. It contains a superficies of eighteen millions five hundred and twenty-five thousand square varas, 18,525,000.

20. The right angle O, N, is sixty-one cords in length by forty-two in breadth. It contains a superficies of six million four hundred and five thousand square varas, 6,405,000.

21. The triangle formed on the right angle O, N, having one side of the right angle of sixty-one cords in breadth, and the other of two hundred and forty-three in length, contains a superficies of eighteen millions five hundred and twenty-eight thousand seven hundred and fifty square varas, 18,528,750.

22. The right angle G is fifty cords in length by forty-three in breadth, contains a superficies of five millions three hundred and seventy-five thousand square varas, 5,375,000.

23. The right angle Y is one hundred and nineteen cords in length by fifty-seven in breadth. It contains a superficies of sixteen million nine hundred and fifty-seven thousand five hundred square varas, 16,957,500.

24. The right angle below the right angle Y, marked number twenty-one, is thirty cords in length by twenty-one in breadth, contains a superficies of one million five hundred and seventy-five thousand square varas, 1,575,000.

25. The right angle farther below, marked with number nine, is

twenty-eight cords in length by nine in breadth. It contains a superficies of four hundred and fifty thousand square varas, 450,000.

26. Successively twelve triangles from L to M, reduced to squares, containing superficies of one million seven hundred and eighty thousand six hundred and twenty-two square varas, 1,780,622.

Which general recapitulation of one hundred and twenty-nine millions five hundred and fifty-three thousand one hundred and twenty-two square varas, contains the quantity of five leagues, seven *caballerias*, and two hundred and eighty-seven thousand three hundred sixty-seven square varas, which measure and survey of these lands is faithfully made, and the account formed to the best of my knowledge and belief, without favor or prejudice, and according to law.

Matamoros, 11th of December, 1828.

DOMINGO DE LA FUENTE.

Explanation of the plot of survey delineation of the meadows of *Santa Isabel*, situated in the jurisdiction of Matamoros, solicited by citizen Rafael Garcia, delineation figure 2d, I, A, B, C, E, F, G, D, L, delineate the shape and superficies of the land from point I. From east to west direct line was run, and on it measured one hundred and nineteen cords, which terminate on the margin of the *Laguna Madre* at point L, which point L and I were established as the dividing line between the land of citizens Rafael Garcia and Ignacio Treviño; again, from point I, from south to north, two hundred and eighty-one cords were measured, which terminated at B; from point B, from west to east one hundred and ninety-eight were measured, terminating on the margin of the *Laguna Madre* at point C; from point C, from north to south measured two hundred and fifty cords, terminating in D, and the line I, B, being thirty-one cords longer than the line B, C; therefore, if the point A, distant from point I thirty-one cords, be designated, the points A, B, will be equal to D, C, forming a right angle having all four sides square and its opposite sides equal and parallel; if from point L a perpendicular is drawn to lines A, D, it will have another right angle, which also will have all its four sides square and its opposite sides equal and parallel, having one hundred and nineteen cords in length by thirty-one in breadth, which is the difference which is from two hundred and eighty-one from I to B, from that of one hundred and fifty-four D to C; then, if a line be drawn from L D, it will give at right angle triangle its longest side from R B, having sixty-nine cords for the difference from one hundred and ninety-eight cords to one hundred and nineteen, its lesser side having thirty-one cords for the difference from two hundred and eighty-one cords to that of two hundred and fifty, and the figures I, B, C, D, L, being formed by the regular figures. The balance of this land from point D to point F, being covered by the waters of the *Laguna* to this distance of one hundred and sixty cords, consequently irregular to

ascertain its superficies from point D to points F and G; wherefore fourteen operations were performed, which are delineated on the plot with these respective numbers in each direction drawn until terminating at point F, where the survey was closed, and its reduction into square varas is as follows, to wit:—

The square A, B, C, D, is two hundred and fifty cords in length, by one hundred and ninety-eight in breadth, contains a superficies of one hundred and twenty-three millions seven hundred and fifty thousand square varas, 123,750,000.

2. The parallelogram I, A, L, R, is one hundred and nineteen cords in length, by thirty-one in breadth, contains a superficies of nine millions two hundred and twenty-two thousand square varas, 9,222,000.

3. The triangle R, L, D, is sixty-nine cords in length, by thirty-one in breadth; contains a superficies of three millions sixty-one thousand two hundred and fifty square varas, 3,061,250.

4. The square Y, is sixty-nine cords in length, by forty-seven in breadth; contains a superficies of eight millions one hundred and seven thousand and five hundred square varas, 8,107,500.

5. The triangle E, is fifty-two cords in length, by forty-seven in breadth; contains a superficies of three millions and fifty-five thousand square varas, 3,055,000.

6. The triangle 2d is forty-seven cords in length, by thirty-three in breadth; contains a superficies of one million nine hundred and twenty-eight thousand seven hundred and fifty square varas, 1,938,750.

7. The oblong V, Y, is one huudred and thirty-three cords in length, which are eighty-three and fifty, by twenty-six in breadth; contains a superficies of eight millions six hundred and forty-five thousand square varas, 8,645,000.

8. The triangle thirteen, which is on one side of V, is twenty-six cords in length, by thirteen in breadth; contains a superficies of four hundred and twenty-two thousand and five hundred square varas 422,500.

9. The triangle below V, with number thirty-four, is fifty cords in length, by thirty-four in breadth, contains a superficies of two millions one hundred and twenty-five thousand square varas, 2,125,000.

10. The square M, with number 93, and 83, is eighty-three cords in length, by sixty-one in breadth, which are 34 and 37, contains a superficies of fourteen millions seven hundred and thirty-two thousand five hundred square varas, 14,732,500.

11. The sqnare F, with number 26, is twenty-six cords in length, by 22 in breadth, has a superficies of one million four hundred and thirty thousand square varas, 1,430,000.

12. The triangle on the side of twenty-six with number forty-four, is twenty-six cords in length by eleven in breadth, and contains a

superficies of three hundred and fifty-seven thousand five hundred square varas, 357,500.

13. Finally, the figures N to G, reduced in squares, contains a superficies of three million four hundred and two thousand five hundred square varas, 3,402,500.

Which square superficies contains the quantity of seven leagues nine *caballerias* and one hundred and sixty-five thousand three hundred and twenty-eight square varas, which survey and measurement of these lands is faithfully made, and the account formed to the best of my knowledge and belief without favor or prejudice, and according to law, Matamoros 11th of December, 1828.

DOMINGO DE LA FUENTE.

Explanation of the plot of survey and delineation of the meadows of *Buena Vista*, situated in the jurisdiction of Matamoros, solicited by citizen Manuel de la Garza; delineation figure 3d, figure 1st, B C, S H, G R F E A, delineate the shape and superficies of the land from point B, from west to east measured one hundred and ninety-eight cords terminating at C, on the *Laguna Madre*, which point B and C were established as the dividing line between the lands of citizens Manuel Garza and Rafail Garcia, then from point B, from south to north measured three hundred and twenty-nine cords terminating at A, from whence from west to east to the *Laguna Madre*, measured ninety-eight cords terminating in D, on account of its irregularity to ascertain its superficies, from D to R, eight operations were made, which are designated on the map, to wit, entering on a small meadow situated in the *Laguna Madre*, at the point Y, to ascertain its shape, and made four operations the same as designated at the same point; then passing to D, to ascertain the shape of D M, H S C, seventeen operations were made to point C, with which the survey closed; the reduction of which in square varas, is as follows, to wit: if the line A D is prolonged to fifty-eight cords to V, and A V has one hundred and fifty-six cords, and drawing the line to V J, perpendicular to the line B C, the right angle A V J, B is formed, which has its form sides square, and its opposite sides equal and parallel, now multiplying the length by the breadth, namely, A B, three hundred and twenty-nine, by A V, one hundred and fifty-six, which multiplicity amounts to fifty-one thousand three hundred and twenty-four square cords, which is the superficies of A B Y V, and deducting from this account the half of this right angle D V, Q O, and the half of figure N, to wit, two thousand five hundred and seventy-seven, on account of being the gulf of the *Laguna Madre*, there remains of dry land forty-eight thousand seven hundred and forty-seven square cords, 48,747.

There is from S, a perpendicular line is drawn to that of V, Y, the right angle V Y, S C, is formed, having one hundred and twelve cords in the length from C S, by forty-two in breadth from C to Y, multiplying the length by the breadth, that is to say, one hundred

and twelve by forty-two, will give a superficial square of four thousand seven hundred and four, 4,704.

Again, if from point M, a direct line be drawn, a right angle triangle, a direct line will be formed by M, Y S, the longest side of the right angle is one hundred and twenty-seven, and the lesser side forty-two, multiplying one hundred and twenty-seven, to wit, Y M Y S, will amount to five thousand three hundred and thirty-four, one-half of which is two thousand six hundred and sixty-seven, which is the amount of the triangle M Y S, 2,667. The figure M H, is a bond in the Laguna, an obtuse triangle is formed by M H, the longest side of which is thirty cords, and its lesser twenty-five, and its hypotheneuse, multiplying fifty by fifteen, will give seven hundred and fifty, the half of which is three hundred and seventy-five, which is the contents of said triangle, 375. The other which follows to H, is fourteen cords in length by ten in breadth, contains a superficies of seventy square cords, 70.

If from point C, figure 2d, a perpendicular line is drawn to line A, D, a right angle will be formed by A, B, C, E, which has one hundred cords in length by sixty-three in breadth, the superficies of which amounts to seven thousand three hundred square cords, 7,300.

If from point E to point F a right line be drawn, E, F, will form a right angle triangle, the longest side of which I, F, will be seventy-one cords in length, and the lesser E, Q, sixty-five, containing a superficies of two thousand three hundred and seven, 2,307.

And the following figure, C, Q, F, R, designated by number sixty-one, sixteen, eight, and seven, contain a superficies of six hundred and sixty cords, 660.

And, finally, by the figure G of the same bank in front of R and F, has a superficies of eight hundred and nineteen square cords, which amount, added to the above mentioned eight, make an aggregate of sixty-seven thousand six hundred and forty-nine square cords, which amount again reduced into varas, gives the survey of one hundred and sixty nine millions one hundred and twenty-two thousand and five hundred square varas, 169,122,500.

Which superficies contains the quantity of six leagues, thirty-one *caballerias*, and two hundred and thirty thousand eight hundred and fifty-two square varas, which survey and measurement is faithfully made, and the account formed to the best of my knowledge and belief without partiality or prejudice, and according to law.

Matamoros, 11th of December, 1828.

DOMINGO DE LA FUENTE.

In the city of Matamoros, on the twenty-fourth day of February, one thousand eight hundred and twenty-nine, I, citizen Domingo de la Garza, first constitutional alcalde of the said city, and the purpose tribunal to make congreigance of this matter, have resolved, that in order to comply with the provisions of the supreme government of this State, the government council of the same, and the attorney-

general of this supreme court of justice, all in relation to give formal possession of the lands of *San Martin*, *Santa Isabel*, and *Buena Vista*, to citizens Ignacio Treviño, Rafael Garcia, and Manuel de la Garza, to cause citizen Manuel Prieto, as the party adjoining to the said lands, and citizen Juan Tijerina, as the attorney of the estate of the late Don Salvador de la Garza, deceased, also adjoining to the said lands, be cited to appear and witness the said possession to be given to the aforesaid citizens Treviño, Garcia, and Garza, which act is to take effect in my office. Thus I have ordered, decreed, and subscribed, with my attendant witnesses acting with them in the absence of a notary public according to law.

Attest, JOSE DOMINGO DE LA GARZA.

Witness—MANUEL GALAN.
Witness—FRANCISCO MAYORGA.

In the aforesaid city, on the twenty-fith day of said month, in the aforesaid year, in obedience to my foregoing decree, citizen Juan Tijerina answered the dispatch which was signed with my sign manuel, I caused to be annexed hereunto for the necessary purposes, and which dispatch bears date of this day, and citizen Manuel Prieto, as the party adjoining, declared that upon information of the superior decree of his excellency, the governor of this State, twenty-fourth of January last, and of which he was notified by me, the said alcalde, and, although the lands belonging to him was encroached upon, yet he puts no embarrassments in the way of the present authority to comply with his duties in giving possession of the said lands to the grantees, reserving his rights to remonstrate for his grievances on suitable occasions, which declaration he subscribed with me and my attendant witnesses in the absence of a notary public acting with them as aforesaid.

Attest, JOSE DOMINGO DE LA GARZA.

Witness—MATIAS GARCIA.
Witness—JOSE MARIA VILLAREAL.

At this moment, which is about seven o'clock P. M., I have received an official dispatch from you, in answer of which I state, that in the past year citizen Matias Garcia, first alcalde, has cited me to appear and witness the survey of the meadow lands of *Espirito Santo* belonging to the estate, and having by this time, my mother-in-law granted her power of attorney to citizen Manuel Prieto, my answer to the said citation was reduced to this effect, that my presence would not be necessary inasmuch as the aforesaid citizen would answer for himself and for my mother-in-law as a primature party adjoining to the dividing line, which answer is embodied in the record of proceedings in relation to the said lands. God and Liberty.

Santa Rita, 25th of February, 1829, 6th, &c.

JUAN JOSE TIJERINA.

To citizen JOSE DOMINGO DE LA GARZA.

Thereupon I, the aforesaid alcalde, for the purpose of complying literally with the aforesaid superior decree, and the twenty-third article of the colonization law, have resolved that citizen Ignacio de Treviño, Rafael Garcia, and Manuel de la Garza, be cited to appear before me at my office for the purpose that they each respectively pay the amount of their lands according to appraised value made thereof, and the survey of which is extant on folios eighty-four to ninety-one of this record, and of which lands they are about to take possession. Thus I have decreed and subscribed with my attendant witnesses acting with them in the absence of a notary public according to law.

Attest, JOSE DOMING DE LA GARZA.

Witness—MATIAS GARCIA.
Witness—JOSE MARIA VILLAREAL.

Thereupon, in obedience to my foregoing decree, personally appeared before me and my attendant witnesses, the aforesaid citizens, to me known as such, and after being notified by me of the tenor of my foregoing decree, they jointly and severally declared that they comprehend, and that they were yesterday to pay in ready money the amount of appraisement of the lands of which each is about to be put in possession, which declaration they signed with me and my attendant witnesses.

Attest, JOSE DOMINGO DE LA GARZA,
IGNACIO DE TREVIÑO,
RAFAEL GARCIA,
MANUEL DE LA GARZA.

Witness—MATIAS GARCIA,
Witness—JOSE MARIA VILLAREAL.

Thereupon I, the aforesaid alcalde, have caused the treasurer of the municipal funds of this ayuntamiento, which is the secretary thereof, citizen Manuel Galan, to cast up the accounts of what each of the parties interested has to pay in for the lands of which they are about to be put in possession, according to the appraisement thereof, and the account being made out with due exactness and nicety, citizen Ignacio Treviño paid in ready cash two hundred and thirty-three dollars two rials and six grains, which, at the rate of forty-five dollars, the appraised value for each league, is the precise amount of the cost of five leagues seven *caballerias* and two hundred and eighty-seven thousand three hundred and sixty-six square varas of the superficial contents of the meadows of *San Martin*, which has been surveyed for and awarded to him, and of which I am about to put him in possession. Citizen Rafuel Garcia at the same time paid in ready money the sum of two hundred and sixty dollars one real and six grains, which, at the rate of thirty-six dollars each league, the appraised value, is the precise amount of the cost of seven leagues nine *caballerias* and one hundred and sixty-five thousand

three hundred and twenty-eight square varas of the superficial contents of the meadows of *Santa Isabel*, which has been surveyed for and awarded to him and which I am about to put him in possession. Citizen Manuel de la Garza at the same time paid in ready money the sum of two hundred and forty-three dollars four rials and six grains, which, at the rate of thirty dollars, the appraised value of each league, is the precise amount of the cost of six leagues thirty-one *caballerias* two hundred and thirty-one thousand eight hundred and fifty-two square varas, the superficial contents of the meadows of *Buena Vista*, which has been surveyed for and awarded to him, and which I am about to put in possession, which their amounts have been paid by the said parties interested respectively to the treasurer of this ayuntamiento, who received the same in my presence for the purpose of placing it into the treasury of the State according to the provisions of the twenty-fourth article of the colonization law. In due testimony whereof I make a record of these facts, which I sign with the parties interested who paid, and the treasurer who received, the money, and my attendant witnesses acting with them in the absence of a notary public according to law.

Attest, JOSE DOMINGO DE LA GARZA,
JOSE IGNACIO DE TREVIÑO,
RAFAEL GARCIA,
MANUEL GALAN.

Witness—MATIAS GARCIA,
Witness—JOSE MARIA VILLAREAL.

Thereupon I, the aforesaid alcalde, have caused citizen Ignacio Treviño, Rafael Garcia, and Manuel de la Garza to prepare themselves for to-morrow to repair with me to the aforesaid lands to be put in possession of the portion awarded to each of them respectively, who being present and notified of the same, responded that they would act as required thereunto, which response they subscribe with me and my attendant witnesses.

Attest, JOSE DOMINGO DE LA GARZA,
MANUEL DE LA GARZA,
JOSE IGNACIO DE TREVIÑO,
RAFAEL GARCIA.

Witness—MATIAS GARCIA, JOSE MARIA VILLAREAL.

On the twenty-sixth day of the said month, in the aforesaid year, I, the aforesaid alcalde, being in the field and stationed at the point of the dividing line from west to east, between citizen Ignacio de Treviño and Rafael Garcia, and the place where the thick ebony marked with four crosses is situated in front of the meadow of *Loma Alta*, accompanied by my attendant witnesses, and the parties interested, also by citizens Francisco Farias, Pedro Salinas, and Vicente Ynojosa, and other residents of this vicinity not appearing, the adjoining party, Manuel Prieto, on account of important business which pre-

vented his appearance as he expressed it, but that he be considered as being present, have proceeded to put the aforesaid citizen Ignacio Treviño in possession of five leagues seven *caballerias* and four hundred and eighty-seven thousand three hundred and sixty-six square varas, the superficial contents of the meadows of *San Martin*, embracing the meadow of the same name, the enclosed meadow called *Loma Alta*, the table land of *Buno*, the table land of *Gabilan*, the heights of Palmito, of which lands the said Treviño takes possession, and in so doing of which, I, the aforesaid alcalde, in the name of the free and sovereign State of Tamaulipas, in the presence of my aforesaid retinue and other bystanders, took the aforesaid Ignacio Treviño by the hand and led him over the said land, of which he there cut sticks, pulled up grass, took water and watered the lands, and performed other acts of real ownership, and spake in a high and intelligible voice: *Gentlemen, you all who are present are witnesses that I have taken lawful possession of these lands without opposition of a third party, who may have better right thereto;* to which the bystanders responded, *welcome to it.* And I, the aforesaid alcalde, have protected and do protect him that he may not be dispossessed thereof, without previously having a hearing and being compelled thereto, according to law, and that he never shall be subject to new surveys, which posesssion he took in the presence of the bystanders, whereof, he is and ought to be considered as the real and lawful owner and lord of the said land, to enjoy the same for himself, his heirs and successors, and as his own he may sell, exchange, or alienate the same at his pleasure these lands of which citizen Ignacio Treviño took possession, and bounded especially on the south by the Rio Grande, north by the lands of *Sante Isabel*, east by the sea, and west by the dividing line between these lands and those of citizen Manuel Prieto; the aforesaid citizen Treviño is hereby admonished, that in the precise and peremptory term of forty-five days is required to erect durable landmarks of stone masonry under the responsibility which this tribunal will exact from him which he will anticipate the term for executing the same, that it may witness that they are placed in their proper places. In due testimony whereof, I make a record of these proceedings, which I subscribe with the said grantee and my attendant witnesses acting with them in the absence of a notary public.

Attest, JOSE DOMINGO DE LA GARZA,
JOSE IGNACIO TREVINO.

Witness—JOSE MARIA VILLAREAL.

Thereupon I, the aforesaid alcalde, being in the field and stationed at the point of the dividing line run from south to north, between citizen Rafael Garcia and Manuel de la Garza, dividing them from west to east, accompanied by attendant witnesses, the instrumental witnesses and the three grantors, Treviño, Garcia, and Garza, have proceeded to put in possession the aforesaid citizen Rafael Garcia of

seven leagues nine *caballerias*, and one hundred and sixty-five thousand three hundred and twenty-eight square varas, the superficial contents of the meadows of *Santa Isabel*, embracing the meadow of the same name, the meadow *Grullo*, the meadow of *Los Blancos*, of which lands the said Garcia takes possession, and in doing of which I, the aforesaid alcalde, in the name of the free and sovereign State of Tamaulipas, and in the presence of the aforesaid citizen Francisco Farias, Pedro Salinas, and Vicente Ynojosa, and others, bystanders, besides my attendant witnesses, took the aforesaid citizen Rafael Garcia by the hand, and led him over the said lands, of which he there cut sticks, pulled up the grass, and took water and watered the lands, and performed other acts of real ownership, and exclaimed, in a loud and audible voice—*Gentlemen, all you who are present are witnesses that I have taken lawful possession of these lands, without opposition of a third party who better right thereto may have. To which the bystanders responded—Welcome to it.* I, the aforesaid alcalde, have protected and do protect him, that he may not be dispossessed thereof without previously having a hearing, and being compelled thereto according to law, and that he never shall be compelled to new surveys, which possession he took in the presence of the bystanders, wherefore he is and ought to be considered as the real and lawful owner of the said lands, to enjoy the same for himself, his heirs and successors, and as his own, he may sell, exchange, or alienate the same at his pleasure. These lands, of which citizen Rafael Garcia took possession, are bounded especially on the south by the lands of *San Martin*, north by *Buena Vista*, east by the *Laguna Madre*, and west by the lands of the estate of the late Don Salvador de la Garza, deceased, the aforesaid citizen Rafael Garcia being admonished that in the precise and peremptory term of forty-five days, he is required to erect durable landmarks of stone masonry, under the pains and penalties which this tribunal will exact from him, to which he will anticipate the time for executing the same that it may witness, the same be placed at their proper places. In due testimony thereof, I make a record of these proceedings, which I subscribe with the said grantee and my attendant witnesses, acting with them as aforesaid.

Attest, JOSE DOMINGO DE LA GARZA,
RAFAIL GARCIA.

Witness—MATIAS GARCIA.
Witness—JOSE MARIA VILLAREAL.

Thereupon I, the aforesaid alcalde, being in the field at the point where a thick ebony marked with one cross is situated, and is the beginning point of the dividing line drawn from south to north between the lands solicited by Manuel de la Garza and those of Rafael Garcia, and separating them from west to east, and accompanied by my attendant witnesses, the instrumental witnesses, and the three grantees, have proceeded to put the aforesaid citizen Manuel de la

Garza in possession of six leagues, thirty-one *caballerias*, and two hundred and thirty thousand eight hundred and fifty-two square varas of land, the superficial contents of the meadows of *Buena Vista*, embracing the meadows of the same name, another small meadow, an island which is within the *Laguna Madre*, and the meadow of *Huagardo*, another small meadow formed by the lagoons, the bend *Lobitos Las Comitas*, and *Palos Blancos*, which lands the said citizen Manuel de la Garza takes possession of, and in doing of which I, the aforesaid alcalde, in the name of the free and sovereign State of Tamaulipas, and in the presence of the aforesaid citizens Francisco Farias, Pedro Salevas, and Vicente Ynojosa, and other bystanders, and my attendant witnesses, took the aforesaid citizen by the hand and led him over the said lands, of which he threw up, cut sticks, pulled up grass, took water and watered the lands, and performed other acts of real ownership, and spoke in a loud and audible voice: Gentlemen, all you who are present are witnesses that I have taken lawful possession of these lands, without opposition of a third party, who better right to the same may have. To which the bystanders responded, Welcome to it. And I, the aforesaid alcalde, have protected him, and do protect him, that he may not be dispossessed thereof without previously having a hearing, and being compelled thereto according to law, and that he never shall be subject to new surveys, which possession he took in the presence of the aforesaid bystanders, wherefore he is and ought to be considered the real lawful owner and lord of the said lands, to enjoy the same for himself, his heirs, and successors, and as his own he may sell, exchange, alienate the same at his pleasure. These lands of which citizen Manuel de la Garcia took possession are bounded especially on the south by lands of *Santa Isabel*, north by the lands resulting as an excess of those belonging to the estate of Don Salvador de la Garza, deceased, and is declared public domain, east by the *Laguna Madre*, west by the lands belonging to the estate of Don Salvador de la Garza, deceased, the aforesaid citizen Manuel de la Garza being admonished that in the precise and peremptory term of forty-five days he is required to erect durable landmarks of stone masonry, under the pains and penalties which this tribunal will exact from him, to which he will anticipate the time for executing the same, that they may witness the same in their proper places. In due testimony whereof I make a record of these proceedings, which I subscribe with the said grantee and my attendant witnesses, acting with them as aforesaid.

Attest, JOSE DOMINGO DE GARCIA.

Witness—MATIAS GARCIA,
Witness—JOSE MARIA VILLAREAL.

In the city of Matamoros, on the twenty-seventh day of the said month, in the aforesaid year, I, the aforesaid alcalde, having complied with the superior decree of his excellency the governor of this

State, of twenty-fourth of January last, and having put in possession, in due and legal form, citizens Rafael Garcia, Manuel de la Garza, of the lands of *San Martin*, *Santa Isabel*, and *Buena Vista*, they having previously paid the appraised value respectively, which amount was received by citizen Manuel Galan, the treasurer of this Ayuntamiento, do ordain that having the present affair terminated, and which I hereby declare has concluded the record of the proceedings thereof, be put on file in my office, and the three grantees who have taken possession of the aforesaid lands apply to this tribunal for an authenticated copy thereof, as mentioned in the aforesaid superior decree, for the purpose that therewith they may apply to the supreme government of this State for the issuing of the title to their premises, inasmuch as they are in the peaceful and lawful possession of their respective lands. Thus I have decreed and ordered, and subscribed with my attendant witnesses, acting with them in the absence of a notary public, according to law.

Attest, DOMINGO DE LA GARZA.

Witness—FRANCISCO MAYORGA.
Witness—AGAPITO LONGORIA.

In the city of Matamoros, on the twenty-ninth day of the month of December, in the aforesaid year of one thousand eight hundred and twenty-nine, in consequence of not appearing convenient to citizen Manuel Prieto to subscribe the decree notifying him of the possession, which was to be given of the lands in question, and on account of his allegations, that the record thereof is not the same which was exhibited to him, and in order to conclude and close the foregoing record, I, citizen Domingo de la Garza, first alcalde, and the authority taking cognizance of the said record, have caused to appear before me and my attendant witnesses, citizens Matias Garcia, Jose Maria Villareal, Francisco Farias, and Pedro Salinas, who being personally present (having acted as my attendant witnesses), to me known as such, have caused the aforesaid decree, extant on the reverse of folio ninety-five, to be read in their hearing, in a clear and audible voice, and upon the hearing of which, I have administered to them the oath in due and legal form, upon which they promised to tell the truth upon the matter to be questioned, and being interrogated to that effect, they declared and said that they knew that on the day of which citizen Manuel Prieto was notified, that citizens Ignacio Treviño, Manuel de la Garza, and Rafail Garcia, would be put in possession of the lands in question, he, the aforesaid Prieto, responded to the tenor of the aforesaid decree without a word of difference, that the foregoing was the truth, which they affirm and ratify, and that they would in all time ratify the same if required thereunto, which declaration they made upon the oath taken, they affirmed to be emancipated, and of the age, some upwards of thirty, and some upwards of forty years, which declaration they

signed before me and my attendant witnesses, acting with them, in the absence of a notary public, according to law.

Attest, JOSE DOMINGO DE LA GARZA,
MATIAS GARCIA,
JOSE MARIA VILLAREAL,
JOSE FRANCISCO FARIAS,
PEDRO SALINAS.

Witness—FRANCISCO MAYORGA.
Witness—AGAPITO LONGORIA.

And having these proceedings closed, I declare the same and every part thereof valid, and the citizens Treviño, Garza, and Garcia, in full possession of the lands granted to them by the State; thus I have caused this to be entered for final record, which I have subscribed with my attendant witnesses, acting with them as aforesaid.

Attest, JOSE DOMINGO DE LA GARZA.

Witness—FRANCISCO MAYORGA.
Witness—AGAPITO LONGORIA.

A true copy of the original record of proceedings had in the adjudication of the lands granted by the government to citizen Ignacio Treviña, Rafail Garcia, Manuel de la Garza, of which record of proceedings the present copy was faithfully made, and conform in all its parts, being witnesses at the time of making, comparing and correcting the same citizens Calisto de la Portilla, Macedonio Ramires, and Cayetano Medrano, residents of this city, as instrumental witnesses, besides my attendant witnesses, with whom I act in the absence of a notary public, according to law.

Attest signed, JOSE DOMINGO DE LA GARZA.

Witness signed—FRANCISCO MAYORGA,
Witness signed—I. ANTONIO DE LA VINA.

Lucas Fernandez, Governor of the state of Tamaulipas.

Whereas, citizen Rafail Garcia, a resident of this city of Matamoros, has solicited the government for the lands embraced in the meadows of *Santa Isabel, the Grullo* and the *Blancas*, situated in the jurisdiction of the said city; and whereas, the surveys and delineations of the same have been executed with citation of the adjoining parties; and whereas, the further proceedings have been had in the premises, according to law, and appears from the original record thereof, which is on file in the office of the alcalde, at Matamoros, I have therefore granted him these presents to serve him as a title with which this grantee can prove his right of property to the said lands granting the same to him in full ownership, to hold and enjoy the same as his own, of all of which the State makes him a grant and donation being indemnified for the same, and inasmuch as citizen Rafail Garcia is in possession of the lands herein mentioned, the alcalde of Matamoros, who put him in possession of the same,

will issue the authenticated copies of the proceedings on record, relative thereto, which the said Garcia may require. Given at the city of Victoria, this the twenty-second day of the month of May, 1829, 6th of the installation of the Congress of this State.

LUCAS FERNANDEZ.

Signed, JUAN CARRENO, Secretary.

The licentiate, Agustin Menchaca, 2d constitutional alcalde, and judge of the 1st instance of this city, do hereby certify, that Don Jose Domingo de la Garza, by whom the copy of the original record of the proceedings had upon the petition the survey and the possessions of the lands of *Santa Isabel*, *San Martin*, and *Buena Vista*, adjudicated by the superior government of this State of Tamaulipas, to citizens Rafail Garcia, Ignacio Treviño, and Manuel de la Garza Sosu is authenticated, was at the time of executing the same, the 1st alcalde, and the signature which appears annexed thereto, is the same which I have seen him to use in all his officinal acts, wherefore, and the said copy duly authenticated in the form prescribed by law, full faith and credit ought to be given to it in judication and thereout; I further certify that the signatures which authenticate the title, issued to the first grantees of the said lands, citizen Rafail Garcia, the original of which is annexed unto the said authenticated copy of the aforesaid record, bearing date at the capital of the State (city of *Victoria*), 22d day of the month of May, 1829, are of his excellency the governor, Don Lucas Fernandez, and of his secretary, Don Juan Carreño, who at that time exercised their authority under the government of the State, and are the same which they used in their officinal acts, to which also full faith and credit ought to be given, at the petition of Mr. Simon Mussina, who exhibited to me the aforesaid authenticated copy, consisting of eightly-four written folios, I grant these presents in the presence of the notary public of the State, Don Joaquin Arguelles, in the city of Matamoros, the twenty-first day of the month of May, one thousand eight hundred and forty-seven. Signed, LIC. AGN. MENCHACA.

Before me. [L. S.] Signed, JOAQUIN ARGUELLES,
Notary Public.

Consulate of the U. S. A., Matamoros, Mexico.

I, J. P. Schatzell, consul of the United States of America for the city and port of Matamoros, do hereby certify that Agustin Menchaca and Joaquin Arguelles, who attest the preceding documents under their own proper signatures, to me the consul well known; the first is second alcalde and judge in the first instance, and the last is notary public, both acting in their respective capacities as such, full faith and credit are hereby given in and out of judicature to all official acts.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, Matamoros, May 21st, A. D. 1847.

J. P. SCHATZELL, Consul U. S. A.

Republic of Mexico, Consulate of the United States for the city and port of Matamoros.

Before me the undersigned, Peter Luzeneau, consul of the United States for the city and port of Matamoros, on the eighteenth day of November, A. D. 1857, Domingo de la Garza, to me personally known to be the same person described in and executed the document hereto annexed and attached, in his character and quality of judge or alcalde, relating to the adjudication of the lands of San Martin, San Isabel, and Buena Vista, now situated in the State of Texas, and acknowledged that the said document signed by him was executed by him for the uses, purposes, and considerations therein expressed and contained.

In testimony whereof I, the said consul, do hereby set my official signature, and year above expressed.

[L. S.] P. LUZENEAU, U. S. Consul.

Republic of Mexico, Consulate of the United States for the city and port of Matamoros.

Before me the undersigned, Peter Luzeneau, consul of the United States for the city and port of Matamoros, in the republic of Mexico, personally came and appeared, on this eighteenth day of the month of November, A. D. 1857, Don Joaquin Aguelles, of the said city, who being by me duly sworn, did depose and say that he was well acquainted with Lucas Fernandez, late governor of the State of Tamulipas, one of the United Mexican States, and with Juan Carreño, late secretary of state of said State of Tamulipas, and deponent says that he is well acquainted with the handwriting of the said Fernandez and Carreño, and that the signatures respectively of said Fernandez and Carreño to the title paper or document hereto annexed and attached, which is signed by them respectively as governor and secretary of state of said State of Tamulipas, are the genuine and true signatures respectively of said Fernandez and Carreño. This deponent further says that both the said Fernandez and the said Carreño are dead. JOAQUIN ARGUELLES.

Subscribed and sworn before me the day and year above written. To testify which, witness my official signature and seal of office.

[L. S.] P. LUZENEAU, U. S. Consul.

Republic of Mexico, Consulate of the United States for the city and port of Matamoros.

Before me the undersigned, Peter Luzeneau, consul of the United States for the city and port of Matamoros, in the republic of Mexico, personally came and appeared, on this eighteenth day of the month of November, A. D. 1857, Don Francisco Arguelles, of the said city, who being by me duly sworn, did depose and say that he was well acquainted with Lucas Fernandez, late governor of the State of Tamulipas, one of the United Mexican States, and with Juan

Carreño, late secretary of state of said State of Tamulipas, and deponent says that he is well acquainted with the handwriting of said Fernandez and Carreño, and that the signatures respectively of said Fernandez Carreño to the title paper or document hereto annexed and attached, which is signed by them respectively as governor and secretary of state of said State of Tamulipas, are the genuine and true signatures respectively of said Fernandez and Carreño. This deponent further says that both the said Fernandez and Carreño are dead. FRANCISCO ARGUELLES.

Subscribed and sworn before me the day and year above written. Witness my official signature and seal of office.

[L. S.] P. LUZENEAU, U. S. Consul.

The State of Texas, County of Cameron.

I, Budd H. Fry, clerk of the County Court in and for the county and State aforesaid, do hereby certify that the foregoing instrument of writing was filed for record in my office on the 4th day of May, A. D. 1858, at 10 o'clock A. M., and the record thereof was completed on the 19th day of May, A. D. 1858, in book "C M" of real estate, pages 197 to 288 inclusive of the records of said county of Cameron.

In testimony whereof I have hereunto set my hand and seal of office, at Brownsville, in said county and State, this the 19th day of May, A. D. 1858. BUDD H. FRY,

Clerk County Court, Cameron County, Texas.

And the said defendants, to prove the execution of said document, first showed that it had been filed in this cause more than three days before the time of trial, and notice of said filing given to the said plaintiff, and said defendants claimed that said document appeared to have been duly recorded by the certificates attached thereto, and that it was admissible in evidence under art. 745 of Heartley's Digests; to the admission of which document, upon this ground, the said plaintiff, by her counsel, objected, on the ground that by the law in force at the time that said document was placed on the county records it could not legally be recorded; but this objection was overruled by the court, to which ruling the plaintiff excepted. And the said defendants, in order further to prove the execution of said document, proved by a witness the genuineness of the signature of Domingo de la Garza, and that he was alcalde of the city of Matamoros in the year 1829, and also proved that the assisting witnesses, Francisco Mayorga and Antonio de la Viña, were dead, and proved the genuineness of their signatures; and the said defendants offered the said document, with said translation, in evidence, upon this proof, and also as a recorded instrument; and the said plaintiff thereupon objected to the admission of said document, not only for the reason above mentioned, but because it did not appear to be the first copy or testimonio originally issued to the interested parted, and because

it was not proved to be a true or compared copy of the original protocal, and because it was not proved that the original protocal was duly signed by the proper officer; but all these objections were overruled by the court, and the said document was, on the foregoing proof alone, read in evidence to the jury; to all which the said plaintiff at the time and before the jury, recorded by her counsel, executed and prayed that this her first bill of exceptions might be allowed, signed, sealed, and made part of the record in this cause, and the same is now done accordingly.

JOHN C. WATROUS, [SEAL.]
U. S. Dist. Judge, E. Dist. Texas.

District Court of the United States,
E. District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WM. EVANS et als.

Be it remembered, that upon the trial of this cause, the defendants, Cobb and Trevino, to sustain the issues upon their part, offered to read in evidence the following document in writing, purporting to be a copy of an act of sale from Maria Francisca Cavasos to J. Miguel Parades, which was proved to be a correct copy from a paper on file in the archives of the town or city of Matamoros, in Mexio, said document was as follows:—

En esta congregation del Refugio en veinte y cuatro dias del mes de Noviembre de mil ochocientos diez y Siete ante mi D. Matias Morales, alcalde de primera eleccion de ella y su partido, comparcio D'a M'a Fran'ca Cavasos de dicho vecindad venda del Alferez D. Blas M'a de la Garsa miliciano de la Compania de Camargo y dijo; que por ci y en nombre de sus herederos, subservias de quien de ellos hubiere titulo voz y causo en cualquier manera otorga que venda y da en venta real y enagenacion perpetua por puso de herederas para siempre jamas al Capitan J. T. Miguel Peredes vecino de las Presos del Rey, diez sitios de tierra de ganado mayor de los diez y nueve y una tercera parte de otros dos con otro tercero parte de once y media caballeries de tierra que posu por suyas propias por de aquella banda del Rio Grande, en el Agostadero y potrero nombrado el, Espiritu Santo "cuyos dies y nueve sitios tercero parte de otros dos, e equal cantidad de las once y media caballeries citados, le pertenecen asi por herencia que en disposicion testementaria, que le dijo su difunta esposa, como por haber pagado con sus bienes maternos y paternos varios cantidades que con costa diferencia hascienden al valor de ellos, los cuales adendaba dicho su difunte esposo y dichos diez sitios linden por el oriente con tierra de los herederos de su cuñado el Capitan D. Pedro Lopez Prieto, y por el Poniente con la restante tierra ya nombrada de la otorgante y por el sur con dicho Rio Grande y por el Norte con el Arroyo Colorado, y dicho otorgante declara y asegura

no tener dichos diez sitios ni resto de los demas, vendidos, enaginados, ni empenados, y que estan libres de tributo, memoria, capellania, versuelo, patronato fianza, y de otro gravamen real, perpetuo, temporal, espicial, general tacito, espreso, y como talc e los vende con todos sus entradas, solidos, unos costumbres regaleas servidumbres, y demas cosas aneesas que han tenido tienen, y le pertenecen fegun derecho en dos mil quinientos pasos de plata mixcana que le entrega y pasa a su proder real, y efectivamente de cuya entrega y reciho doy fe, por haberse hecho a mi presencia y la de los testigos que se nominaran; y como pragado y satisfecho de ellos a su voluntad, formatiza a favor del comprador, lo mas firme y eficaz costs de paga que a su sequeidad conduzia; y asi mismo declara que el justo precio y verdadero valor do los referidos diez sitios de ganado mayor son los dos mil quinientos pasos y que no valen mas y ni hablo quien tanto le hayo dado por ellos, y si mas valen o valia pueden del eriso en poco o mucho suma hace a favor del comprador y da sus herederos y sabusous, gracia y donacion puso perfecta, irrevocable que en otro se llama intervivas con imagenacion y demas firmezos legates, renunciando la ley y del titulo 7e libro 5o del ordenaminto real establecido en las cortes cele bradas en Alcala de Henares y en la del titulo 11, libro 5o de la recopilacion, y trato de los contratos de venta, tuve que, y de otros en que hay leccion en mas o manos de la mitad del justo precio y los cuatro años que prefiere para pedir su resicion, o suplemento a su justo valor los que dar por pasadas como si efectivamente lo estuvieran y desde hay en a delante para siempre se desapodera desciste quita y aparto, y a sus herederos y subresores del' domenio o propiedad posion, titulo voz recurso y otro cualquiera derecho que le competa a los enunciados diez sitios; los cede renuncio y traspasa con las acciones reales, personales utiles, mixtas, direchos, y ejecutivos, en el compradas y en quien la suya represente para qua los posea, goce, cumbre enageore use y disponga de ellos a su eleccion como de cosa suga, adquirida con legitimo y justo titulo y le confiere poder irrevocable con libre, franca, y general action y constituye procurador actor de su propia causa para que de su autoridad judicialmente entre y se apodese de los referidos diez sitios y de ellos tome y aprobenda la real tendencia y posecion que por derecho lo compite, y para que no necisite tomarta me pide que le de copia autorizada de esta escritina con la cual sin otro acto de aprehencion a de su visto haberta tomado aprehendido, y transferidosele y en el interin se constituoye su angarilissa tenedosa y precaria ponedora en legal forma; y de obliga a que dichos sitios seran ciertos, seguros y effectivos al comprador, y nadie inquietura ni movera plieto sobre su propiedad, possecion, goce, y dispute, ni contra ellos aparecera gravamen alguno y si se le inquietase moviere o aparciere luego que la otorgante sus herederos o subrcsores sean reguerieros conforme a derecho saldran a su defenza, y los segueran à sus espansas en todas instancias y tribunales, hasta ejecutonorto, y dejan al comprador y a los suyos in su libre uso,

quieto, y pacifico posecion; y no pudiendo consequirlo le restitucion la cantidad que la desembolzado las mejores utilis precisas y voluntarias que a la saron tengan el mayor valor, y estimacion que en el tiempo adquieran y todo los costos gastos, daños, intereces o manos cabos que se sequiesian e irrogarsen, por todo lo cual, se las ha de poder ejecutar, solo en virtud de esta escritura, y juramento del que lo posea o de quien lo represente, en quien defiere su inporte y le releva de otro prueba; y a la observancia de todo lo referido obligo su persona y bienes habidos y por haber y dio poder a todos los jueces y justicias de su magestad y en espicial al que lo es o fuere de este partido para que a ellos le compelan y apremien por todo rigor de derecho, como si fuera por sentencia defenitiva pasada en jusgado y consentida sobre que renuncio su propio fuero dimicilio y vecindad la ley *cit convenuit de jurisdicion omnium judicum* con las de mas que al estado mugeril les son concedidas y la general de otro enforma en cuyo testimonio y por no saber firmar lo hise yo el contenido jues con los testigos de mi asistencia, siendalo instrumentales D. Jose Gregorio de Chapa el Alferes D'n Enrique Villereal y D'n Jose M'a Valli prisentes y vecinos de esta dicha congregacion con quienes actuo como jues receptor a falta de Escribano en el termino legal de todo doy fe. Matias Morales, A. Pedro Jose Guerra, A. Jose Nicolas Valli, guedan satisfechos los derechos que por venta de bienes raices hizo D'a Francisca Cavasos al S'r Capitan D. Jose Miguel Parades el mismo que con Arreglo a la Cuenta N. 159 se han erigido de dos mil quinientos pasos segun se previene en dicha orden, su fecha 24 de Noviembre en esta Real Aduana del Refugio.

CAYETANO MEDRANO.

And the said defendant, in connection with said document, also offered the following translation thereof, which was agreed to be generally correct, but subject to comparison with the original Spanish document, to wit:—

In this congregation of Refugia, on the 24th day of the month of November, 1817, before me, Don Matias Morales, alcalde of the first election of the same, and of its district, personally appeared Doña Maria Francisca Cavasos, of said vicinage, widow of Don Blas Maria de la Garza, militiaman of the company of Camargo, and said: That, for herself, and in behalf of her heirs, successors, and of whom their title should possess, from any cause or word, in any form whatever, she sets forth that she sells and renders as sold, in real and perpetual release, by way of inheritance, forever, unto the Captain Don Miguel Paredes, a citizen of las Presas del Rey, ten sitios of land for cattle, from the 19th, and one-third portions of two others, with another 3d portion of 11½ caballerias of land, which she possesses as her own on the opposite side of the Rio Grande, in the Agostadera and Potrero, called "El Espiritu Santo," which said 19 sitios, the 3d portion of two others, and an equal quantity from the 11½ caballerias above mentioned. They thus belong to her by inhe-

ritance, which, in a testamentary disposition, was left her by her deceased husband, as also for having paid with her paternal and maternal property several amounts which, with a short difference, make up their value, which said amounts were due by her said husband; and said ten sitios are bounded on the east by the lands belonging to the heirs of her brother-in-law, the Captain Don Pedro Lopez Prieto, and on the west by the remainder of the land already mentioned belonging to the grantor, on the south by the Rio Grande, and on the north by the Arroyo Colorado; and said grantor declares and affirms that said ten sitios nor any portion of the rest are sold, leased, or pawned, and are free from any tribute, accounts, chaplainry, tie, patronship, bond, or any royal mortgage, either perpetual, especial, or general, tacit and expressed; and as such she sells them to him, with all their ways of entrance and egress, customs, usages, servitudes, and the rest of the matters that they have had and have now, and on thereto belonging, according to law, for the sum of two thousand five hundred dollars, in Mexican silver, which he delivers unto her, and and passes unto her lawful possession; and this being so in fact, having attested said delivery and receipt, having been given in my presence and in that of the witnesses named; and as paid and delivered of the amount at her satisfaction, she realizes in favor of the purchaser the most firm and efficient receipt which may be conduced to the security of his said property; and she thus declares that the just price and true value of the above-mentioned ten sitios of land for cattle is that of the $2500, and that they are not worth more; nor did she find any one who would give her more for them; and, if they should be worth more, the residue, whether large or small, she tenders unto the purchaser, his heirs, and successors, a grace perfect and irrevocable for life, with due insinuation and other legal formalities, renouncing the 4th law of the 7th title in the 5th book of the Royal Orders, established in the courts held in Alcala de Henares, and that of the 11th title and 5th book of the compilation which treats of the sole contracts, exchange, and others, where a decrease is found in more or less of one-half of the just price, and also the four years allowed therein for asking a recission or supplement to its just value, which she will considered as passed, as though they had really elapsed. And from this day hereafter and forever, she withdraws her possession, desists and retires from the same; and thus her successors to the domain or property, portions, titles, voice, resource, or aught else attached to the said ten sitios, she cedes, renounces, and transfers them, with the proceedings, real, personal, mixed, direct, and executive, unto the purchaser and unto whomsoever shall represent him, that he may possess, enjoy, exchange, lease, use, and dispose of them at his choice, as a thing of his own, acquired with the legitimate and just title; and she confers upon him irrevocable power, with free, frank, and general administration; and she con-

stitutes him acting attorney of her proper cause, that through his authority he may enter officially into the said ten sitios, and take real tendency and possession thereof, such as belongs to him by right; and that it may not become necessary for him to take such possession, he requests me to give him an authenticated copy of this instrument, with which, without any further act of seizure, it shall be seen that he takes possession, seized the same; and meanwhile she constitutes herself as his tenant and precarious possessor in due form; and she hereby binds herself to this: that the said sitios shall be valid, safe, and real to the purchaser; and no one shall disturb his quiet, nor remove him, nor bring suit against his property, possession, enjoyment, and fruits; nor shall any obligation or mortgage appear against them; and, should his quiet be disturbed, be removed, or should it appear that the grantor, her heirs or successors [an error in the original], they shall be required according to law; they will come out in its defence; and they will continue it at their own expense in all instances and tribunals, until clearing his title, and leaving the purchaser and his in its free use and quiet and peaceful possession; and, failing to obtain it, they shall restore unto him the amount he has disembursed, the improvements that may be useful, necessary, and voluntary, that may have at that time the greatest value and estimation, and all the expenses, damages, interests, or decreasements that might follow or be incurred thereby, for all of which he can only be executed in virtue of this writ, and by the oath of him who shall possess or represent in his behalf, its value to be defined; and she relieves him from any other proof: and to the observance of all the above written, she bound her person and property, present and future; and she gave power unto every judge and justice of his majesty, and is especially to him who is now or may be of this district, that they may compel her with all the rigor of the law, as it were, by a definite sentence passed in a court, and conceded, inasmuch as she renounces her own rank, domicil, vicinage, the law *cit connerent de jurisdicion, annunum judicum*, with the remainder which are conceded to the feminine sex and the general law of right in due form. In testimony whereof, and not knowing how to sign, I did so, the present judge, with the witnesses of my assistance, being instrumental.

Witnesses hereto, Dn. Jose Gregorio de Chapa, the citizen Dn. Enrique Villareal, Don Jose M'a Valli, present, and citizens of the vicinage, with whom I act as a delegate judge for want of a notary, who is not to be found within the terms prescribed by the law. I give faith. MATIAS MORALES.

PEDRO JOSE GUERRA,
JOSE NICOLAS VALLE, Assistant Witnesses.

The costs incurred by the sale made by Doña Francisco Cavasos to the captain, Don José Miguel Paredes, has been satisfied, being the same which in accordance with the circular No. 59 has been ex-

acted on the amount of $2,500, as prescribed in said order, dated the 24th of November, in this royal custom-house.

CAYETANO MEDRANO.

No proof was offered by said defendants, other than has been stated, to show that said Maria Francisca Cavasos executed, or directed or requested to be executed, the original protocol of said document; and the said plaintiff, by her counsel, objected to the admission of said document and translation in evidence, because it did not appear that Maria Francisca Cavasos had ever executed said original protocol of said document, or authorized or requested it to be executed or signed for her, and that it did not appear that it was so signed or executed for her; which objections were overruled by the court, and said document and translation were admitted in evidence; to which the said plaintiff, by her counsel, excepted at the time and before the jury retired, and prayed that this, her second bill of exception, might be allowed, signed, sealed, and made part of the record of this cause; and the same is now done accordingly.

JOHN C. WATROUS, [L. S.]
U. S. Judge, E. Dist. Texas.

District Court of the United States,
E. District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et al.

Be it remembered, that upon the trial of this cause, after the plaintiff had introduced evidence conducing to prove that a grant of the land in controversy was made by the Spanish government in Mexico in the year 1781, to Jose Salvador de la Garza, and that the land comprised in said grant passed by decent to the three children of Jose Salvador de la Garza, to wit: Javiera de la Garza, Blas Maria de la Garza, and Magarita de la Garza; that the plaintiff derived title under Blas Maria de la Garza; that Magarita de la Garza married Pedro Lopez Prieto, a captain in the Spanish army in Mexico, and died, leaving two children, Antonio and Manuel Prieto, under the charge of said Pedro Lopez Prieto; that said Pedro Lopez Prieto kept a rancho at a place called "El Tanque," a few hundred yards above the land afterwards claimed by Ignacio Treviño in 1829, and thereafter as the eastern boundary of the grant of San Martin; that Ignacio Trevino was, in 1818, or thereabouts, and afterwards, intrusted by said Pedro Lopez Prieto with the management of his affairs at the said rancho, and the charge of the stock, as mayor domo, or manager: that Pedro Lopez Prieto was often absent from the rancho on military duty, and died about the year 1814; and that Manuel Prieto, his son, continued to occupy said rancho after his death; and after the defendants, Cobb and Treviño, had also introduced evidence tending to show that both Pedro Lopez Prieto

and, after his death, his son Manuel Prieto, had denounced the land lying to the east of a line run magnetic north from a point near the tanque, including the land called San Martin, Santa Isabel, and Buena Vista; that Ignacio Treviño had been in possession of said land of San Martin from the year 1802 to the year 1842, when he died; that both Pedro Lopez Prieto and Manuel Prieto had been known to say that they did not claim the said land lying east of said line, and that they considered it as vacant land; and that Ignacio Treviño had applied for and claimed to have obtained a grant of the land of San Martin from the officers of the State of Tamulipas in the years 1827, 1828, and 1829. All of which evidence is stated at length in the plaintiff's fifth bill of exception. The said plaintiff, then, as rebutting testimony, offered to read in evidence a document purporting to be a copy of the original power of attorney from said Pedro Lopez Prieto to said Ygnacio, which was as follows:—

En el nombre de Dios todo poderoso, y de la Virgen santisima su M'c y Sra n'tra, concebida sin mancha, ni sombra de la culpa original en el primer instante de su ser purissimo y natural, Amen. Sepan como yo Pedro Lopes Prieto natural del Valle del Guaxuco y viseno de esta de Camargo hijo leg'mo de D'n Pedro Lopes Prieto, y D'a Ana M'a Guirra; estando sano y en mi entero juicio memoria y entendimiento natural y creindo como firmemente crio el misterio de la S. Sma Trinidad Padre hijo, y Espiritu Santo tus perfonas distintas y un solo Dios verdadero y en lo demas q'e tiene, cree y confiesa n'tra Sta M'c Yglecia Romana en cuia fe he vivido y protesto vivir y morir temiendome de la muerte que es natural y deseando salvar mi alma p'a ordenar mi testamento doy poder cumplido como se requeire á D'n Jose Ygnacio Treviño p'r la satisfaccion q'e tengo su cilo y cuidado, como mejor haigh lugar en dro. para que en mi nombre haga y ordene mi testamento y ultima voluntad haciendo las mandas y legados que le parierire señalando yo mis alvarias y houderos y entierro; y desde luego mando que mi cuerpo sea sepultado en esta Yglecia y nombro por mis albarias, testamentarios a mis dos hijos Jose Antonio y Jose Manuel y al mismo D'n Jose Ygnacio á los cuales y a cada uno doy poder *insolidum*, para que cumplan y executen el testamento que en vertud de este poder se hicrire, no obstante que esté cumplido el termino del derecho por que les subrogo el que mas fuere necasaria. Y cumplido y pagado este mi testamento en el remanente de mis bienes douchos y acciones institugo y nombro por mis universales herederos á mis dos hijos nombrados por Albanas para que los haian egualmente y en todo lo demas el dicho D'n Jose Ygn'o proceda al dh'o testamento a su eleccion y voluntad por que usi lo es mia; y desde ahora p'a quando tenga efecto lo aprucbo y ratifico y quiero se quarde y cumpla ento do po'c como si yolo otorgara aqui fuira expreso su tenor y forma q'e para ello y lo incidente y dependiente le doy poder con grat administracion y fecto

desde hugo reboco y anulo otros cuales gurira testamentos mandas y codieslos q'e antes de ahora haiga hecho p'r escrito, de palabra, en otra forma para que no valgan ni agan fe y quiero q'e solo el que en virtud de este poder se otorgue valga p'r mi testamento o por mi codicilo en la forma q'e mejor haiga lugar en dro, en testim'o—de lo cual otorgo el presente en catorce dias del mes de Abrel de mil ochocientos doce, testigos, D'n Jose Eusevio Frce'd, D'n Juan Jose de Estrada, y Don Lor'jo Longoria, con quienes lo firme, Pedro Lopes Prieto, Eusevio Frev'd, Jose Lorenzo Longoria, Juan Jose Estrada.

Sacose de su registro q'e consta en el erchivo del año a q'e se ref'e y a q'e me remito en una foja util del sello 3o y a solicitud de D'n Juan Treanor; en fe de lo cual y de q'e estuve presente a su correccion y conponta lo firmo en Camargo á veinte y cuatro de Set'e de mil ochocientos cincuenta y ocho. Yo el C. Raf'l G. Garcia, Ale'c 3o de esta Villa q'e actuo con testigos de ass'a Doy fe, tachado de no sale Doy fe.

RAFAEL G. GARCIA.

De ass'a—CRISTOBAL MORALOS.
De ass'a—SISTO GARCIA.
Deos rin papel, un peso siete reales.

And at the same time the said plaintiff offered the following translation of said document which was agreed to be generally correct, but subject to comparison with the original.

In the name of Almighty God, and of the Blessed Virgin, His Mother and our Lady, conceived without stain or shadow of original sin, from the first moment of her most pure natural existence, Amen.

Be it known, that I, Pedro Lopez Prieto, a native of the valley of Gaxuco, and citizen of Camargo, legitimate son of Dn. Pedro Lopez Prieto and Da. Ana Ma. Guerro, being in good health and in my entire senses, and of sound memory and understanding, believing, as I do believe firmly, in the mystery of the Most Holy Trinity, Father, Son, and Holy Ghost, three distinct persons and one only true God, and in whatever else our Holy Mother the Roman Church believes, holds and confesses, in the faith of which I have lived and am resolved to live and die, fearing death, which is natural, and desiring to save my soul, after designating and appointing my executors and heirs, and specifying what I desire shall be observed in regard to my funeral, do give power, as ample as may be requisite, to D. Jose Ygnacio Treviño, in the best form of law, as I am fully satisfied as to his zeal and affectionate regard, in order that he may draw up and arrange my last will and testament, making therein such devises and bequests as by him shall be deemed proper or advisable. And from this time I direct that my body shall be buried in the church of this town, and I appoint as my testamentary execu-

tors my two sons, Jose Antonio and Jose Manuel, and the said D. Jose Ygnacio, to whom, and to each of whom, I give power *in solidaim*, to carry out and perform whatever will or testament shall be made by virtue of this power of attorney, notwithstanding that the terms of the law may have been complied with, for I give to them the most ample power that could be requisite; and when this, my will, shall have been executed, and its bequests paid, I institute and appoint as universal heirs to the residue of my property, rights and actions, my two sons, who are appointed executors, so that they may take and hold the same in equal shares or portions. But as to all other matters, the aforesaid D. Jose Ygnacio will proceed as he may deem proper, for such is my wish, and I now, for the time it shall take effect, ratify the same, and direct that at all times the same shall be observed and fulfilled as if executed by me, or as though its tenor or contents were embraced herein, as for that purpose and as to everything incident thereto, or dependent thereon, I give to him power with general authority and control. From this time I revoke and annul all other testaments, devises and codicils which before this time I may have made verbally, in writing, or otherwise, so that they may not be valid or effectual, as I desire that only the one which by virtue of this power of attorney may be made shall be valid as my testament or codicil in the most proper form of law.

In testimony whereof I grant these presents, on the fourteenth day of April, eighteen hundred and twelve, D. Jose Eusevio Trev'o, D. Juan Jose Estrada and D. Lor'zo Long'a, with whom I signed, being witnesses.

PEDRO LOPEZ PRIETO,
EUSEVIO TREV'O,
JOSE LORENZO LONG'A,
JUAN JOSE ESTRADA.

A true translation.

WM. O'DORHERTY, Jr., Translator.

April 4, 1859.

And the said plaintiff also offered to read in evidence as rebutting testimony, a documents purporting to be a copy of the will of Pacho Lopez Prieto, made by said Ignacio Treviño, which was as follows:—

Sello Tercero. Cuatro Reales.

N. 669 Habilitado para los Años d 1858–9, Admon Subalterna de Matamoros Marzo d 1858.

PADRO Y PATO CONRO, Corregede.

LEON MANU.

(Testimonio del Testamento du finutio, D'n P. Lopez Prieto, en 1815, D. D.

Con lu villa de Santa Anna de Camargo en trienta dias del mes de Junio de mil ochentos quince años cente me Antonio Margil Garcia, alcalde de segundo note y testigos de que abeyo de hara men-

cion compareno D'n Jose Ignacio Treviño vecino de ella, en nombre del Capitan Don Pedro Lopez Prieto difunte y en virtud del poder pera testar que le confirio en ella en auto cedias del mes de April de mil ochocientos doce en papel commun y extrajudicial que por fuere militar gozahe cuya original sin onbrego pe. documentar este Testamente é incorporarto en sus trastudos de que doy fe, asegurando el aborgente, como lo asegura, que no se le ha revaocado, suspendido ni limitudo, y que le trine aceptado: en uso de sus fumbrados, atorga que el mencionado Capitan Don Pedro Lopez Prieto fallece dia ocho de Septiembre del año *pp*' do de mil ochocientos castorce beyo de podar numba y en cumplimiento de lo que dep' ordanado en el y le que le comunico, se hizo en el siguiente dia su entiero en publico en esta Parroquial Yglacia, con entiena Mayor desente, assa. que el luago permitery se celebro por su ahna mista cantada de cuerpo presente, vigilia y response con novenurio de misas cantedos que se le segino de que s pagaron portado los correspondientes derachos.

2a Yt. Quizo igualmente el ortorganse y asigna el poder habiendo en su nombre ye. para lu conservacion de los Santos lugares de Zerusalen y demos mandos povresas se den cuatro reales por cada una y por solo nene vez y el orbogante en un de su fumbled mande se los entregiun.

3a Yt. Declara in virtud de la instrumencion que pesa ella dijo su encomendado que fui casado y nelado, segun el orden de Mr. Sta. Me. Yglacia en primerus nupcias con Da. Margarite de la Garza hijo legitime de Dn. Jose Salvador de la Garza y de Da. Ma. Gertrudis Garza Falcon en cuyo matrimonio turo y provoudos hijos que lo son Dn. Jose Antonio y Dn. Jose Manuel Prieto, lo declara assi pa. que conese.

4a Yt. Declara a nombre de su en comendedo que pa. mune de la dicha su Esposa y le de los dichos sus Padres recivio por tutela de ambos hijos lo que conste en los inventarias de su Pa. politico el decho D. Jose Salvador.

5 Yt. Le comunico su enumendado y lo declaro a su nombre que a dicho matrimonio no intro dup propria suyer alguno.

6a Yt. Declara que en segunda Numerias fue en pedadante asi mismo casede segun el orden de nuestra Santa Madre Yglecia con D'a Marie Josefe de Treviño venda de D'n Ignacio Antonio Ayala en cuyo matrimonio no turciera hip alguno y que cuando caso con dicha Señora no hizo reconociminto del Estado en que se hallahan las Futilas de sus dos mencionados hijas ni tampoco de los lienes de cempo que recibio' pour dole 6' cepital de dicha su 2a muger, por le que para descergo de su conciencia debe estarse y pesar por los que consten del inventario ultimo que en el particular formo el Juez comisionado D. Juan Antonio Balli por que aunque se dio p'r recibino de estos preceder entraga formal del depositario de ellas D. Narciso Cabazos, este depecto como su encomendado, no dohe resultar en contra de la diche su muger a (cuyo—defunle diga) cargo deheran ser abenados en favor de los ganancias (caso de huberlas)

los pagam'us que hizo en favor de la casa de su unbrasor D'n Ignacio Ayala las males consteran de declara asi pl. que consiste.

7a Yt. Declara su encomendado y el oborgante en su nombre que á las dichos segundas nupcias introdujo ciento y pico de p's en dinero y un ataja de caballos que á pico mas ó manos seriar veinte y cinco.

8a Yt. Que de he estamese p'r capital de su encomendado la herenica que le perten cico por muerte de su defunto hermano el canonigo penitinciarie Don Matias Prieto, luya constancia se encontrara en lo papelos de su hermena defunta Doña Josefa Prieto, lo declara asi para que conste.

9a Yt. Declara su encomendado y el aborgante á su nombre, que á la sociedad de sus 2'as nupcias entredup tambien la casa morada el D'n Josefa Treviño su Espose con las muchlos q'e dentra de ella existien á la que solo agregó el disputo so encomendado el cuarto ultimo que sigra del Saguan á la Capilla ayuda de Parroquia con su altito y doce silletas de mezquite.

10a Yt. Declara su encomendado y el aborgante á su nombre á D'n Caliste Ayala cocredero 9a mitad con los bienes de su antesessor Ayala y ganancias de su muger tres cientor pasos en q'e estima p'r mitad la auron de los bienos des pados del referido D. Ignacio Ayala, mediante lo que y haber recojedo cuento parcuó de su hieno y Señal dabe estimarse otro tanta cantidad por capital de lex nominata s Esposa Lo que declara asi para que conste.

11a Yt. Declara en nombre de su poderdente que el Agostadero que pertenecie á los dichos gamancias del matrimonio de Ayala de la expresada su segunda mejor le enageno en D'n Josa Lorenzo de la Garza, prometiendole de volver le iquel cantidad de legastodero en las tierras de San Martin, Buena Vista y Sta Isabel de q'e tenia hecho denuncio y procedio a medida formal y pregenes ignorandose el paradero que luniceron estas diligencias causa por que hasta ahora quedaron sin payarselas á S. M. y procyendose de buina fa por dicho su encomendado.

12a Yt. Es declaracion de su encomendado y el le hace á su nombre que del Patrimonio que pertenecio á sus hijos por muerte de su Madre y abuelas y que dija declarado consta de los inventerios hechos por la del defunto Don Jose Salvador sur le fallon que percibir la parte que les portenia de la lesa de su morada de los dichos sus Suagros atajas de oro y plota q'e alli consten cons tambien la del garado mayor que por hahice amestenado ha cojedo cassa uno de los herederos lo que ha querido y podido sin lleva cuenta ne rezon aunque por los a puntas de gaste del Rancho y algunas por tidas rendidas que podran encontrase en el Libro de cuentos que siquie podra ha cerse regulacion el les que fuenu d' las que deheran su agredados las que consumieron les vaqueras de D. Vicente Lopez de Herrera (quehun dele) y prodran dar de elles rezon su caporal Jose Antonio Parez y el de el dicho Herrara llamado Tiburcio

Cifuentes de cuga ordor se hizo el consume. Declarada asi para que consla.

13a yt. Declara por su asi la voluntio de su encomendedo que el Agostadero que vendio de su ultima esposa en el caso de Notvesle i qual cantidad de tensno, no haye que hacercelo ninguno otro cargo paro que en el de haburde de responder, por su valor su este el en que se estimaha sin fabrica alyum y no el en que le Vendio, por haber entrado en este les mejores de jacal y buenos corsales q'e a coste del dicho su encomendado se hicieron lo q'e declarar p'r q'e conste.

14a yt. Per su asi voluntad de su encomendado y consta del poder que ello le conferir instituye, prover y nombra p'r sur Alvaseos o sus dos hijos Don Jose Ant'o y Don Jose Manuel Prieto y usi mismo por su este la voluntud ultima de su encomendado.

15a yt. Declara y mandu á dichos sus Albasecos que todos los desedas que aparescan en su contra justificadez su payuen el lo mas bien parado de sus bienes como usi mismo cobsen tudos les que resultan á su favor.

16a yt. Declaran su encomendado y el poder habiente a su nombre que sus dos mencionades hijos ambos emancipados les tiene dados algunos casas en euenta de su legitima cuya declaracion espesa hagan estos pera su descuento p'r, no tenerlas teden apuntadas mucho menes d'Don Jose Manuel que desde su casamiento no tero cuente de nader despues de el sobra cuyo pesticular les encarga la conciencea esperando que como hijos obedientes no tengan le menor desavenencia en punto de enterez, sino que quedar conformes con lo que haga y Dios los diere dispues, pera que lo dispruton y gozen con la bendicion de Dios y la suya y que cuendo por algun acacim'to o' menoscabo del tiempo o mata ressacior quadan encompletas de sus legitimas le pardonen por amor de Dios.

17a yt. Que es la voluntad de su encomendado y la suya en su nombre que si en cumplido y pagado este testamento lo en el conta nido resulteren algunas ganancias deducidas del quinte de elles, el funeral entierro y demas concerniente is el, el sobrente del quinte si porque por el hien de su ulme y la de los cuyas declaro lo asi para que xonates.

18a yt. Despues de cumplido y pagado todo lo expresado en este Testamento, en el remnante de tedos sus bienes presentes ó futuros instituye por sus unicos y universales heredaras á los referidos D'n Jose Antonia, y Don Jose Manuel Prieto sus dos hijos y de D'a Margarita de la Garza su primer mujer p'e que los hayan y lleven por su orden y grado segun su representacion y las leyes de estas Reynos con la herdicion de Dios y la suya. Declaro lo asi p'a que conste.

19a yt. Por el presente revoca y anula á nombre de su poderdante todos le disposicior testamentarios que antes de este poder haya formalizado p'r escrito de palabra ó en otro forma para que ningun valga ni haga fe judicial extrajudicialmente excempio este

Testamento que Mando el Otorgante á nombre de su encomendado se cumple in todos sus partes coma ultimo voluntad del poderante y desempaño y descargo de la conciencia del otorgante en la forma ayer mas haya lugar en derecho usi lo otorgo y firmo anti mi el presente Juez siendo testigas instrumentales, Don Padro Ygnacio Garcia, D'n Narcisso Lopez, D. Bruno Garcia, D. Trinidad Cortina y D. Juan Jose Estrade presentes y vecinos de este dha. Ville dando fe el suprastado Juez de q'e conozeo el otorgante, Fismalo yo el insinuado Juez con dos testigos de ass'a con los qualos actuo como Juez receptor á falla de escribano en el termino legal de todo Doy fe. Ante mi como Juez, Receptor.

JOSE ANTONIO MARGIL GARCIA.
JOSE YGNACIO DE TREVIÑO.

Ass'a—JOSE VISENTE LOPEZ DE HERRERA.
Ass'a—JOSE LORENZO LONGORIA.

Saivn de su registro que consta en el protocolo del ciño á que se refiere y á que me remito en dos pliegos papa dell sello tercero y á solicitud de Dn. Juan Treinor en fe de lo cual y de que estuve presente a su correccion y confronte lo firma en este Villa de Camargo á veinte y cuatro de setiembre ola mil ochocientos concuente y ocho yo el C. Raf'l G. Garcie. Ap'l 3o de esta Villa y's actuo con testigos de ass'a Doy fe Entrerenglonos. Rancho Valetachada (de la conciencia), no vale Enmendado principal 19o sun) pederdante. Vele. Doy fe.

RAFAEL G. GARCIE.

(Dros in pap'l cuatro p' cuatro.)
D. ass'a—CRISTOBAL MORALES.
De ass'a—SISTO GARCIE.

(Comparado Set. 24 a 1858, Publo Cempuzin.)

And also offered to read in evidence with the said document the following translation thereof, which was agreed to be generally correct, but subject to comparison with the original, to wit:—

(Translation of last will and testament of Pedro Lopez Prieto.)

In the town of Santa Anna de Camargo, on the thirtieth day of June, eighteen hundred and fifteen, before me, Don Antonio Margil Garcia, second alcalde, and witnesses who are hereafter named, appeared D. Jose Ygnacio Traviño, an inhabitant thereof, in the name of the late Captain Don Padro Lopez Prieto, and by virtue of the power to make a will which he therein conferred upon him, on the fourteenth of April, eighteen hundred and twelve, on common paper and extrajudicially, which as a military man he was authorized to do, the original of which he delivered to me with a view to authenticate this will and have it embodied in the transcripts thereof, to which I certify, the grantor assuming, as he did assume, that the same has not been revoked, suspended or reduced, but that he has accepted it.

In the exercise of his authority, he declares that the said Captain Don Padro Lopez Prieto died on the eighth of September, eighteen hundred and fourteen, under the aforesaid power of attorney, and in compliance with what he left therein directed and communicated, his burial was effected on the following day, publicly, in the parish church of this town, with a decent funeral ceremony of as superior a class as the occasion offered, and there were celebrated for the benefit of his soul (the body being in view), a high mass vigil and responsary, with the divine office for the dead, and also a novenary of high masses that thereupon succeeded, for all which the corresponding dues were paid.

2d It. In like manner, the grantor desired, and the attorney in his name directs, that for the preservation of the holy places of Jerusalem, and other forced legacies or bequests, there shall be given and paid four bits for each, and that only once.

3d It. He declares by virtue of the instruction to that effect, left by his confidor, that in the first instance he was married to Da. Margarita de la Garza, legitimate daughter of Dn. Jose Salvador de la Garza and of Da. Gertrudis Garza Falcon in accordance with the rites of our Holy Mother Church, by which marriage he had and procreated two children, namely, Dn. Jose Antonio and Don Jose Manuel Prieto. He thus declares, that it may appear.

4th It. He declares, in the name of his confider, that through the death of his said wife and of her said parents, he received, as guardian of both children, whatever is shown by the inventories of his father-in-law, the said Salvador.

5th It. His confider informed him, and he declares in his name, that he brought into said marriage no property of his own.

6th It. He declares that in the second instance his principal was in like manner married, according to the rites of our Holy Mother Church, to Da. Josefe de Treviño, widow of Don Ignacio Anastacio Ayala, of which marriage they had no issue; and that at the time he married said lady, he made no examination as to the state or condition of the guardianship of his aforesaid two children, nor of the property which he received as a marriage portion, or as capital belonging to his said second wife; therefore, with a view to discharge his conscience, he declares the same to be whatever, and more than, is shown by the last inventory that the delegate, Judge Dn. Juan Antonio Balli, made in relation thereto; for, although these were regarded as received without there having preceded a formal delivery by the depositary of them Don Narcino Cabasos, this defect, as his confider declared, should not operate to the prejudice of his wife, which (defect, I mean) should be reduced by the payment he has made to the house of his predecessors, Dn. Ignacio Ayala, which are shown by receipts in favor of the acquests during the marriage (if any). He thus declares, that it may appear.

7th It. His confider declares, and the grantor in his name, that into the said second marriage he brought more than one hundred

dollars in money, and a drove consisting of about twenty-five horses, more or less.

8th It. That there should be estimated as assets of his confider, the property which he inherited through the death of his late brother, the father confessor Don Matias Prieto, the evidence whereof will be found among the papers belonging to his late sister, Doña Josefa Prieto. He thus declares, that it may appear.

9th It. This confider declares, and the grantor also in his name, that into the second marriage he brought also the dwelling-house of Da. Josefa Treviño, his wife, with the furniture therein, to which his confider added only the last room back of the hall, the chapel of ease, with its little upper story, and twelve mesquite chairs.

10th It. His confider declares, and the grantor also in his name, that Dn. Calisto is joint and equal heir with him to the property of his predecessor Ayala, with the matrimonial acquisitions of his wife, in the sum of three hundred dollars, in which he estimates as one-half the collected portion of the stock of the said Dn. Ignacio Ayala, and declares that he collected all that appeared in his brand and mark, there should be estimated as assets or property of his said wife, the like sum. Thus he declares, that it may appear.

11th It. He declares in the name of his principal that the pasture land of his said second wife, which belonged to the matrimonial gains of Ayala, he sold to D'n Jose Lorenzo de la Garza, promising to give to her in return therefor an equal quantity of pasture ground in the lands of San Martin, Buena Vista, and Santa Isabel, which he had denounced, and as to which he had proceeded to the formal survey and publications, those proceedings being lost or mislaid, for which reason they, up to this time, remained unpaid for to his majesty, and possessed in good faith by his said confider.

12th It. It is a declaration of his confider, and he makes it in his name, that of the patrimony which belonged to his children through the death of their mother and grandparents, and which, as before stated by him, are set forth in the inventories made on account of that of the deceased Don Jose Salvador, he has yet to receive their corresponding part of the dwelling-house of his father-in-law and mother-in-law aforesaid, jewels of gold and silver, which are therein mentioned, and also their share of the cattle, which, having become wild, each of the heirs has taken as many thereof as he wanted and could obtain, without keeping any account thereof, although by the memorandum of the expenses of the rancho, and of some flocks that were sold, which will appear in the account book which was kept, something may be ascertained, or an estimate may be made as to how many there were; to these should be added such of the cattle as the herdsman of D. Vicente Lopez de Herrera destroyed (for which he therefore owes); *his* major-domo, Jose Antonio Perez, and said Herrera's major-domo, Tiburcio Cifuentes, by whose order the destruction was made, can give information in regard to them. I thus declare that it may appear.

13th It. He declares, because such is the wish of his confider, that as to the land that he sold belonging to his last wife, in the event of returning to her an equal quantity of land, there will be no charge made, but in the event of having to account for its value, this will be what it was estimated as being worth without any improvements, and not the price for which it sold, because the sale included the improvements, consisting of a "jackal" and good cattle pens, which were made at the expense of his said confider. All which he declares that it may appear.

14th It. Because it is the wish of his confider, and appears by the power of attorney for this purpose conferred upon him, he institutes, names, and appoints as his executors his two sons, Don Jose Antonio and Don Jose Manuel Prieto, inasmuch as this is last request of his confider.

15th It. He directs his said executors, and declares that all the just debts which shall appear against him shall be paid out of that part of his assets which can best be spared, and that *they* shall collect all that may appear in his favor.

16th It. This confider declares, and the attorney also in his name, that to his two sons, who are both emancipated, he has made advancements on account of their legal portions, a statement of which he hopes they will make out, so that the proper deduction may be made, as he has not everything set down against them, and particularly Don Jose Manuel, with whom there has been no account of anything kept since his marriage; upon this particular matter he charged their consciences, hoping that as obedient sons they will not have even the least disagreement as to pecuniary advantages, but will remain content with whatever there may be and God will thereafter give to them, so that they may have and enjoy the same with God's blessing and his own, and that if in the course of time it shall happen by accident or otherwise that their legal portions are incomplete or unequal, they will, he hopes, pardon him for the love of God.

17th It. That it is the wish of his confider and his own in *his* name, that if, upon this will being completed and paid, there should appear to be any profits or gains, after deducting from the one-fifth part of them the funeral and incident expenses, the residue of said fifth part shall be applied for the benefit of his and their souls. He thus declares that it may appear.

18th. And after the payment and performance of all that is expressed in this will shall have been effected, to the residue of all his property or assets he makes and appoints as his only and universal heirs the aforesaid Don Jose Antonio and Don Jose Manuel Prieto, his sons, and those of D'a Margarita de la Garza, his first wife, so that they may have and take the same in its order and quality, according to their representation and the laws of this kingdom, with the blessing of God and his own. He thus declares that it may appear.

19th It. By these presents he revokes and annuls, in the name of his principal, all testamentary dispositions which before this power of attorney he may have made, in writing, verbally, or otherwise, so that none shall be legal or valid, judicially or extrajudicially, except this testament, which the grantor, in the name of his confider, ordered to be performed in all its parts as the last will of the principal, made in accordance with, and discharge of the grantor's conscience, in the most proper form of law; thus he granted and signed before me, the present judge, Don Pædro Ignacio Garcia, Don Marciso Lopez, Don Bruno Garcia, Don Trinidad Cortina, and Don Juan Jose Estrada, citizens of said town, and who were present, being instrumental witnesses, and I, the aforesaid judge, certifying that I know the grantor, I, said judge, sign, according to law, with two assisting witnesses, with whom I officiate as a delegate judge, in the absence of a notary: all which I certify, before me, as delegate judge. JOSE ANTONIO MARGIL GARCIA.
JOSE IGNACIO DE TREVINO.

Assisting—Jose Vicente Lopez de Herrera.
Assisting—Jose Lorenzo Longorio.

A true translation. WILLIAM O'DOCHERTY, Jr.,
April 4, 1859. Translator.

And the said plaintiff, to sustain her offer of said document as evidence, proved by a witness, that they were correct copies of the original in the archive of the town of Camargo, in Mexico; but the defendants, Cobb and Trevino, by their counsel, objected to the admission of said documents as evidence, because the said will purported to be executed more than a year after the date of said power, and because said power was not inserted in said will; which objections were sustained by the court, and the said document excluded as evidence; to which ruling of the court the plaintiff, by her counsel, excepted. And afterwards the said plaintiff again offered the said document, purporting to be a copy of the paper executed by said Ignacio Trevino as the will of said Padro Lopez Prieto, for the purpose of showing the declarations and admissions of said Ignacio Trevino in relation to the possession and claim of ownership as to the lands called San Martin against him, and the said defendants, Cobb and Trevino, who claimed in this suit, under said Ignacio Trevino, and for the purpose of rebutting, thereby, the testimony introduced by the said defendants, and in connection therewith, the said plaintiff also offered, as evidence, a document which was proved to be a correct copy of the original in the archives of the town of Camargo, in Mexico, purporting to be a copy of an act of sale from said Pedro Lopez Prieto to Lorenzo de la Garza with a translation thereof admitted to be generally correct, which said document and translation was as follows:—

En la Villa de Santa Anna de Camargo en diez y ocho del mes de Marzo de Mil Setecientos novente y cuatro Anos, Ante me D'n Jose

Antonio de la Garza Falcon Captain de Milicia vabanes; Justicia Mayor de elle comparacion Don Pedro Lopez Prieto y D'n Jose Lorenzo de la Garza vecinos de este citade Villa y el primero dijo que por cuanto obtiene poder general de su Esposa D'a M'a Josefa de Trevino viuda q. fue' del defunto Don Ygnacio Antonio de Ayala p'a poder vender anendar y enagenar los bienes Muebles y raices que por muerte del enunciado Ayala le quedaran a dicha D'a M'a Josefa de Treviño (cuyo poder doy fé habia visto en este protocolo á fojas ochenta y ocho) y que siendo entre estos dueña legitima de seis y tres cuartas sitios de trr'a da Agostadero que tiene á orillas del rio Grande en la costa del mar en el Pasaje nombrado San Juan de los Esteros lindando por el oriente con el Agostadero de Don Santiago Longorio, que termina en el lindero de la Retamita, por el poniente con trras. de Don Calixto de Ayala, por el Norte con dho. Rio Grande y por el sur con trras. de los herederos del defunto Don Antonio de Vrizar vecino que fue de Mexico, por la presente otorga e conoce que rende en venta real por fuero de heredad por si y a nombre de los herederos subresores de dich D'a M'a Josefa de Treviño y de los q'a de si y de ellos hubien titulo y cauza, p'a siempre jamas, al nominado D'n Jose Lorenzo de la Garza sitedos seis e tres cuartos sitios de tierra de Agostadero con todos sus entradas y salidas, usos y costumbres; como asi mismo la de los Jacales Corrales y demas que comprende el rancho cituado en el, y le pertenece y pueda pertenecer p'r fecho y derecho libre de tributo hipoteca, memoria, ni otro cargo, señorio ni obligaror especial ne general y por tal de los asegura por precio de setecientos cincuenta pasos que le ha pagado en reales de contado de que se satisface y da por entregado á su voluntad sobre que renuncia las leyes de la *non numerata pecunia entrega y prueba* (de que yo dho. Jues doy fe) y declara que el justo valor de los dichos seis y tres cuartos sitios de trra. con las fabricas referidas son los dichos setecientos cincuenta pasos p'r ellos recibidos y dol que mas deben tener en cuya forma y cantidad le hace gracia y donacion, pura, mera, perfecta, y ocabada, y que el derecho. Lluman intervivos, al dho. D. José Lorenzo comprador con insinuacion y rerenuncia la Ley del ordenamiento Real fha. en la Corte de Alcala de Henares p'r trata de lo q'e se compra, vende ó permita, p'r mas o por menos del justo valor, y los cuatro años p'a repetir el engano y que se redugere este contrato á su valor si lo padeciera con las demas leyes q'e un ella concuerdan y desde hoy en adelante su desapodera, deriste y aparta de el, accion, propiedad, señorio y posesion, titulo voz y recurso, y otro cuales quiera vequeuto que le pertenezaa, (á la nominada su Esposa y otorgante) á los dichos seis y tres cuartos sitios de tierra y demas que en esta Escriptura consta, y todo lo cede renuncia y traspasa en el dho. Don Jose Lorenzo comprador y en quein subsediere en su derecho para que como propios suyos los posea gose cambie y enagene á su voluntad, como dueño absoluto sin dependiencia alguna; y le da poder el que se requiere constituyendose en su lugar mismos, y en su fecho

y exusa propia, para que p'r su autoridad, o judicialmente, tome y aprehenda, la posesion y tenencia del dho. Agostadero y rancho, y en el interin se constituye por su inquilino tenedor, poserdor p'a ponerlo en ella coda que se lo pida, y se obligo á la eviccion, seguridad y saneamiento de esta venta en tal manera que de cualquiera pluto debate ó diferencia que sobre ello fuere movedo, siendo requesido por su parte (en cualquiera estado que estuviern aunque este hecha la publicacion de probanzas) tamara la voz y defenza, y lo requira y acabana a su costa hasta vencerlos, y dejalos en quieta posecion; (y lo mismo haran sus herederas) y no cumpliendolo por no querer ó no poder cumplirlo le vodrerá los dichos setecientos cincuenta pasos que le ha pagado, las labores y aumentes que hubiera fecho y daños y costos que se le siguieren y el mas valor adquerido son el tiempo y por todo ellos, como si aqui tuviera liquidacion, y esta Escritura fuera ejecutiva de plazo asignado al dia que llegure el caso referido, se le ejecute con solo su juramento en lo difiere y sin otra prueba de q'l le releva aunque de dro. se requiera, y p'r todo obligo sus persona y bienes habidos, p'r haber y dio poder a las justicias de S. M. de creatq'r parte q'e sea p'a q'e á lo sobre dho. lo complan y apremien p'r todo rigor de dro. como si fuera por sentencia pasada, en autoridad de cosa jusgada, consentida y no apelada, sobre que renuncio su propio fuero domicilio y vecindad, ley *cit cumvenerit de jurisdicion omnium judicum* y todas y cuales quera leyes de su favor y la general del dro. en forma; en cuyo testimonio lo firmo con migo siendo testigos D'n Miguel Chapa, D'n Jose Perez Rey, y D. Calisto de Ayala, presentes, y vecinos á mas de los de mi ass'a en quienes actuo como Jues Receptor a falta de Escribano q'e el dro. previene de todo doy fe. TPH. ANTTO. DE LA GARZE FALCON.

PEDRO LOPES PRIETO.

De Ass'a—JOSE DE LA GOUASCOECHEA.
De Ass'a—BLAS MA. DE LA GARZA.

Villa de Sta Anna de Camargo, y Marzo 18, '94. Recibe de D. Pedro Lopes Prieto, quinse p's importe del R'l dro. de de Acalala de 750 p's en q'e vendio el agost'a de los esteros, y p'a q'l conste lo firmé por ausencia del propietario receptor. Jose de Gouascoechea. Son 15 p'so. Sacose de su registro q'e consta en el protecolo del año a q'e se refiere y a que me scmito en dos fojas papel del sello 3s á solicitud de D'n Juan Treanor, en fi de lo cual y de q'e me halle presente á su correccion y confronta lo firmo en Camargo, á veinte y cuatro de Set'e de mil ochocientos cincuenta y ocho. Yo el C. Raf'l G. Garcia. Alc'a 3o de esta Villa q'l actuo con testigos de ass'a doy fe comparado Derecho Enmendado vale. Doy fe.

RAFAE'L G. GARCIA.

De Ass'a—CRISTOBAL MORALES.
De Ass'a—SISTO GARCIA.

Dros cin papel tres pesos.
Set'e 24 de 1854.

(Corrected Translation of Conveyance from Pedro Lopez Prieto to Jose Lorenzo de la Garza—6¾ leagues of land called San Juan de los Estaros.)

In the town of Santa Anna de Camargo, on the eighteenth day of the month of March, seventeen hundred and ninety-four, before me, Don Jose Antonia de la Garza Falcon, captain of the militia of the town, and superior judge thereof, appeared Don Pedro Lopez Prieto and Jose Lorenzo de la Garza, citizens of this aforesaid town, and the first declared, that whereas, he has a general power of attorney from his wife Da. Ma. Josefa de Treviño, late widow of Don Ygnacio Anastacio de Ayala, deceased, to sell, rent, or transfer the property, real and personal; that, by the death of said Ayala, were left to said Dona Ma. Josefa de Treviño (which power of attorney I certify to have seen in this judicial record on page eighty-eight), and she being the lawful owner, among these things, of six and three-fourths leagues of pasture land which she has on the bank of the Rio Grande near the sea, at the place called San Juan de los Estaros, bounded on the east by the land of Don Santiago Longoria, which terminates at the landmark (lindero) called Retamamiter; and on the west by lands of Don Calisto de Ayala; on the north by said Rio Grande, and on the south by lands belonging to the heirs of the late Don Antonio de Vrizar, formerly a citizen of Mexico. By these presents, he grants and acknowledges that, for himself, and in the name of said Da. Ma. Josefa de Treviño, and of whomsoever else shall under him or them have title or right, he sells unto said Dn. Jose Lorenzo de la Garza, and to his heirs and successors, forever, the aforesaid six and three-fourths leagues of pasture land, with all its rights, hereditaments, and appurtenances, and also the *jacales corrrales* and other improvements composing the *rancho* which is thereon situated, or belonging, or that may appertain thereto, in fact and law, free from tax, mortgage, or other incumbrances, claim, or obligation, especial or general; and as such he guaranteed them to him for the price of seven hundred and fifty dollars in specie, which he has in hand paid to him, with which he is content, and which he acknowledges having received to his entire satisfaction; whereupon he renounces the *non numerata pecunia entraga y prueba* (to which I said judge certify), and declares that the just value of said six and three-fourths leagues of land, with said sum of seven hundred and fifty dollars, which he has received therefor, and they are worth more. Of the excess, he makes a gift and donation, simple, pure, and irrevocable, and of that class which is called in law *intervenos*, unto the said Don Jose Lorenzo, the purchaser, with renunciation of; and he renounces the law of the royal ordinance, passed at the court of Alcala de Henares, which treats of things bought, sold, or exchanged, for more or for less than the just value, and the four years allowed for the assertion of the fraud, and claiming an adjustment of the contract, if this could be alleged, or with practised in this case, together with the other laws

relating thereto, and from this day onward he relinquishes, releases, and divests all the interests, estate, possession, right, title, and action, claim, or demand of his said wife, the grantor, of, in, and to the said six and three-fourths leagues of land, with the appurtenances herein mentioned, and cedes, renounces, and transfers the same unto the said Don Jose Lorenzo, the purchaser, and to whomsoever shall succeed to his rights, so that, as his own property, he may possess, enjoy, exchange, and transfer the same at his pleasure, as the absolute and only owner thereof; and he gives him the necessary power, substituting him in his own place, and as his own act and deed, to take by his authority, or judicially, the possession of the aforesaid land and rancho; and in the mean time he makes himself his tenant and lessee, in order to put him in such possession so soon as he shall demand it; and he bound himself to secure and make good this sale, so that he will, on being required, undertake, carry on, and complete, or conclude the defence of any suit, action, or difference that may arise in relation thereto, at his own expense, until he shall leave them in peaceable possession. No matter at what stage of the proceedings, he shall be notified by his party (even if it should be after the publication of proofs). Thus will his heirs also do; and, in the event of not complying, in consequence of not being able, or being unwilling so to do, he will return to him the said seven hundred and fifty dollars that he has paid him, the work he shall have done, and the improvements he shall have made, and the damages and expenses consequent thereon, together with the increased value that the property may acquire by time; and for all of these (as if they were liquidated, and this document would authorize execution thereon, upon the event aforesaid), executions may be sued out, simply upon his affidavit of the amount withheld, and without any other proof, of the necessity of which he relieves him, although the law may require it; and for this he obligated his person and property, acquired and to be acquired, and gave authority to the judges of his majesty, of any district or place, to compel and oblige him to perform the foregoing by the full rigor of law, as might be done by a sentence passed by authority upon an adjudicated subject, consented to and unappealed from; whereupon he renounced the proper privileges of his domicil and neighborhood, the law *cit cumvener de jurisdicionem omnium judicum*, and all and any laws that are in his favor, and the general of right, in due form. In testimony whereof, he signed this with me, Don Miguel Chapa, Don Jose Perez Rey, and Don Celisto de Ayala, who were present and citizens, being witnesses, besides those of my assistance, with whom I officiate as a delegate judge in the absence of a notary, as the law provides. All which I certify.

Fpn ANTONIO DE LA GARZA FALCON.
PEDRO LOPEZ PRIETO.

Assisting—JOSEF DE GOUASCOECHEA.
Assisting—BLES MA. DE LA GARZA.

Town of Sta. Anna de Camargo, March 18, '94.

Received of D. Pedro Lopez Prieto, fifteen dollars, the amount of the royal tax of *Alcalala* on $750, for which he sold the estate of the *Esturos*; and that it may appear, I signed this in the absence of the appointed receiver.

JOSEF DE GOUASCOECHEA.

They are $15.

A true translation. WM. O'DOCHARTY, JR.,
Ap'l 9, '59. Translator.

But the said defendants, Cobb and Treviño, objected to the admission in evidence of all these papers, on the ground that they were incompetent and irrelevant for any purpose in this cause; and said objection was sustained by the court, and said documents were excluded as evidence; to which ruling of the court, the plaintiff, by her counsel at the time, and before the jury retired, excepted and tendered this her third bill of exception, which she prayed might be allowed, signed, sealed, and made part of the record of this cause; and the same is now done accordingly.

[SEAL.] JOHN C. WATROUS,
U. S. Dist. Judge, E. Dist. Texas.

District Court of the United States,
E. District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

Be it remembered, that upon the trial of this cause, after the plaintiff had introduced testimony tending to prove the grant made by the officers of the King of Spain in Mexico in the year 1781 of a tract of land including that in controversy; that the plaintiff claimed under one of the children of the grantee, and Manuel Prieto under another child of said grantee; and after the said defendants Cobb and Treviño had introduced in evidence the paper purporting to be a copy of the proceedings terminating in titles of possession to Ignacio Treviño, Rafael Garcia and Manuel de la Garza, and also had introduced a copy of an alleged patent or grant from the Governor of the State of Tamaulipas to said Ignacio Treviño, as stated in other bills of exceptions, and had also proved a claim to a right of possession under such proceedings and grant by Ignacio Treviño, and had given in evidence testimony tending to show an acquiescence of said Manuel Prieto in such claim of possession and a willingness to submit to the said titles of possession and grant; all of which evidence appears at large in other bills of exception; the said plaintiff by her counsel, in order to rebut the said evidence adduced in behalf of said defendants, offered in evidence a paper admitted to be a correct copy of certain proceedings had before the Supreme Court

fijandoles linderos divisorios, tambien comta del auto de fojas cuarenta y siete que solo quiso el Tuer calificar mi documentos gubernativamento y no dio lugar el jucio ordinario cuyo escencial paso quedo confundido entre los tramites de nueva invencion de fajas cuarenta y nueve a cincuenta y seis. Estos arenque argulfen en mi favor no obitante haberlos acomodado el Tuex a su intento, recervo para el juicio ordinario desifrar el caracter sorprendedor con que el Juez desfiguro 'el resultado de los examenos a que se refiere, protestando desde ahora toman para defensa de mi propiedad los mismos autos de que hace merito para condenarme. En tal virtud se deduce que el Juez de un modo opcepticio y subrepticio y con aparatos de estar rectificados sus procedimientos le figuro migatoriamente al Gobierno que la tinea triada era lejitima y conform con mis titulos de propiedad y que el terreno repartido era valido en cuya consecuencia resolvio el Gobierno se dicoe la posecion a los ciudadanos y a nombrados fojas setenta y seis esto tuvo su verificativo, quedando mi propiedad atacada, portergados mis derechos y condenado ilegalmente al perdimento de la preciosa y esencial parte de mi propiedad como que de ella pende la segrovidad y progresos de toda mi fortuna. Las partes agraciadas actual poscedoras de mi propiedad como presentes en aquellos actos no estuvieron agenas de estos vicios imanables, y era de su deber perfecionaz la adquicicion por medios legales, y a la ver que adquirieron una cosa que ni el Trus ni ninguna autoridad pudo tomar es innegable que se entregaron á la condicion de todo el que adquere mal por igual rason no debera tenerse por de buena fé la posecion amas de que esta fue dada informalmente y con vicio: apelo al areto de fojas ochenta y dos en que no apareciendo mi firma, su falta tiene por origen la ocultacion que hizo el Juez que la dio, 'de la contradiccion y protestas que hice en el acto, cuyos documentos existen en mi poder y haran sus efectos en el tiempo y contra quien corresponde. Esto y persuadido de que bastara haber demostrado con cita de autos que arroyandose las leyes violentamente se me quito el terreno de que he dicho hice oposicion de derecho de propiedad y que por ello tengo un derecho pora mi reposicion sea cualquiera el origen d' autor de este estrepito; mas para manifestar que mi accion la debo divijir contea el Juez de medidas ciudadano Matias Garcia como que de este funcionario procsimamente he recibido el derpojo desde que hiso la aplicacion y reparto de mi propiedad segun los autos citados de fojas cuarenta y dos a cuarenta y siete me he inclinado a hacor una recina de una parte de sus procedimientos, recerbando lo mas y los documentos de mi favor para el caso necesario por todo lo espuesto abrasado de la indulgencia de las leyes de la materia que me foborecen A. V. S. ocurro empetrando el veneficio de restitucion del terreno que me abraso la linea divisoria y tomo 'el Juez y es el que refieron las fojas cuarenta y siete vuelta y cuarenta y ocho cara sirviendose V. S. ampararme en posecion y pleno goce de el, y restituido que sea estoz a derecho para responder á la oposicion que se me haga por las partes siendo

por los tramitres que previene el articulo nuevo de la ley do colonisacion: asi mismo pido que V. S. en atencion al merito de mi solicitud se sirva de oficio condenar al ciudadano Matias Garcia en los costos procesales y personales y los perjuicios que a tu causa se me han seguido cuyo por menor con recordacion de ellos presentare al Juez de mi vecindad para su justa calificacion; recervandome el derecho de demandar le criminalmente a vista de su resistencia: pido justicia, protesto y juro lo necesario &s. Ciudad Victoria, Mayo ocho de mil ochocientos treinta, setimo de la instalacion del congreso del estado. Manuel Prieto. Ciudad Victoria, Mayo veinte tres de mil ochocientos treinta, por presentado: agreguex a los antos que a compaña, y pase todo al señor fiscal una rubrica. Lo rubrico al Señcr Magistrado de la primera sala de la Corte suprema de Justicia del estado ciudadano Joaquin Gusman doy fe. Ramon Villanueva Secretario. Pasaron al Señor fiscal este escrito y los documentos que en el cita constantes en neventa y cuatro fojas utilos, Lo que para constancia rubrico una rubrica. Señor Magestrado de la primera sala. Al medirse en jurisdiccion de Matamoros a los ciudadanos Ignacio Treviño, y Manuel de la Garza no se observaron las prevenciones del Gobierno pues no se arreglo el Juez a los documentos presentados por el calindante ciudadano Manuel Prieto, que debio tener a la vista para no perjudicarlosen su propiedad el fiscal pidio que se hiciera, y el Gobierno lo decreto mas el Juez se desentendio, y no guoerdo la circumpeccion, y detenimiento debidos ni dio 'los pasos que habrian sido necesarios para obrar con justicia, de que resulto indispensablemente reclamo del perjudicado. Fuera inutil citar colindantes al terarse medidas, si estos no se oyeran y se han de oisse es indispensable que el asunto siga los tramites de la ley, en tal concepto hubo quebrantamiento de leyes y de la orden del Gobierno, y debe de nuevo tirarse la medida previa citacion de colindantes aquienes debera oirse, y siendo que se trata de ataque de propiedad toca conocer a la autoridad judicial y V S si la pareciese podra mandar que se midan las tierras conforme se decreto por el Gobierno reservando para despues resolver sobre costos y perjuicios si hay parte que demande. Ciudad Victoria, Junio ocho de mil ochocientos treinta, septimo de la instalacion del congreso de este estado. Licenciado Gel. Ciudad Victoria, Junio once de mil ochocientos treinta. Vistos, y lo informado por el Señor fiscal se declaran nulas y sin efecto las medidas tiradas por el Juez de Matamoros como hechas contra lo ordenado por el Gobierno y con perjuicio de tercero, se restituzon las cosas al estado que tenian antes se haran nuevas medidas segun decreto el Gobierno y se aun hubiere oposicion se seguira el juicio segun la ley y en cuanto a perjuicio debera la parte promoverlo por cuerda ceparada y por los tramitres de derecho. Una rubrica. Se proreyo el anterior auto por el Señor Magistrado de la primera sala de la Corte suprema de justicia de este estado, ciudadano Joaquin Crosman, quien lo rubrico por ante mi de que doy fe. Ramon Villanueva, Secretario. En la misma fecha siendo presente el ciudadano Manuel Prieto la notifique el auto

que ánticede de lo que entendido dijo que lo ozo, y que en el caso de que el Juez de su vecindad por algun motivo no le reponga segun el auto anterior del Señor Magistrado, proteste desde ahora ocurrir a la sala y demandarle los perjuicios, y contra que eroque, esto respondio y firmo por ante mi de que doy fe. Manuel Prieto. Ramon Villanueva Secretario en el propio dia se entregaron a la misma parte estas diligencias y el espediente que a compaño en noventa y siete fojas utiles. Y para que conete te pongo por rason que rubrique: una rubrica derecho dies y, nueve reales: lo juro una rubrica. Exmo. Señor. Manuel Prieto, vecino de Matamoros ante la justificacion de V. E. en declamacion de mi justicia el decreto de la primera sala de la Corte suprema de justicia del estado que en el se ve: por el debe ser repuesto en el goce de mi propiedad atacado mas como el Trun de mi recidencia fuere moroso en el cumplimiento del insinuado decreto despues de cuatro meses lo esforso el oficio que se me notifico en tiempo que ejercia el ex. Gobernador intuivo ciudadano Juan Gruosa que dice, con motivo a haber pedido a esta primera sala el Exselentisimo Señor Gobernador la suspèncion del decreto de once de Junio relativo a las tierras que cuertiona Don Manuel Prieto con los ciudadanos Manuel de la Garza, Rafael Garcia é Ygnacio Treviño me proviene el Señor Magistado diga a V que hasta tanto no evacue su comision el encargado de revisar los titulos du propiedades territoriales en esas Villas Norte y de cuenta con los que posia el Señor Prieto, no de V. ocurso a la providencia citada, esperando V. siempre orden para proceder a la que despues hubiere lugar —Digolo a V. de orden superior para su cumplimiento Dios y ley. Ciudad Victoria dos de Octubre de mil ochocientos treinta. Setimo de la instalacion del Congreso de este estado—Ramon Villanueva Secretario—Cuidadano alcalde primero de la Villa de Matamoros— Son Pasados tres años de suspension de uso de mi propiedad en espera de la operacion que indica dicha nota, y en tamaña series he sufrido ven quebranto considerable en mis intereses pues que prevaleciendo la criminal conducta del Juez que encandalosamente me arrebato mi propiedad mis intereses diariamente se disminuyen por que estos reconociendo su arraiga siempre en el terreno que se me quito a el se pasan y el arreo continuo para echarlos fuera el maltrado de las convenias que hacon los advenados del terreno de mi propiedad el carecer de los partos y aguas que tiene el terreno que si mio propio hacen incesantes mis perdidas diarias en que ucaso interesaria al estado por la contribucion que debe producirle la utilidad de mi giro. —Asi mismo asuma la perpetuidad del arrebato que por el Juez se me hizo quedando impresse tamaña maldad yo condenado a la perra de derdimento de me propiedad que esta garantirada por leyes del estado en tal virtud al abrigo de ellas, y a vista de que solo las circunstancias de tan desgraciada epoca pudieron cohonestar la suspencion de mi justicia adquirida por demostraciones evidentes y que V. E. no mirando otro objeto que el deber de su ministerio.—A. V. E. pido y suplico se sirva declarad terminada la suspencion del de-

creto espedido por la primera sala constante en el ocurso citade manifestando lo asi al Señor Magistrado para que haya que el decreto obre por su tenor y forma estando como estoz a derecho para justificar mi propiedad en el terrino de que se trata a la ver que el Gobierno o cualquiera parte legitime me lo disputare: es justicia que imploro. Ciudad Victoria, doce de Junio de mil ochocientos treinta y tres decimo de el instalacion del Congreso de este estado—Manuel Prieto. Ciudad Victoria, Junio catorce de mil ochocientos treinta y tres—Al comisso con los justificantes—Molano G. Arcos, oficial mayor—Exmo. Señor—el consejo consulta: que como el auto de la primera sala de la interposicion del Gobierno con motivo de ciata comision para el reconocimiento de titulos de propiedad no puede el consejo consultar otra cosa sino que debiendo constar al mismo Gobierno si ha cesado ya este impedimento; en tal caso declarando lo asi podea el Ciudadano Prieto usar de su derecho en el tribunal competente. Y si por algun olvido aun no se hubiere obacuado el reconocimiento de titulos mandado hacer por el Gobierno podra dectar sus providencias para que se verifique en un termino prudente por haber ya transcruido considerable tiempo y quijarse la parte de los perjuicios que sufre—Ciudad Victoria, Junio dies y nueve de ochocientos treinta y tres decimo, &a.—Antonio Fierro, Srio. secretario del consejo de Gobierno del estado de Tamaulipas.—Ciudad Victoria, Junio veinte dos de mil ochocientos treinta y tres.—De conformidad con lo consultado por el consejo y resultando haberse hecho ya la mediera de los terrenos denunciados por los Ciudadanos Manuel de la Garza, Rafael Garcia ó Ygnacio Treviño y dadose a estos la posecion se declara que el Ciudadano Manuel Prieto si algo tiene que reclamar un de uso derecho en el tribunal de Justicia a que corresponda, donde con audiencia de las partes interesadas hara el reclamo de las tierras que le competen por su titulo de propiedad. Molano G. Arcos, oficial mayor. Sello tercero dos reales. Para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro. Republica Mejicana estado de Tamaulipas. Señor Magistrado de la primera sala. Manuel Prieto vecino de Matamoros recidente en esta ciudad ante la justificacion de V. S. como mejor proceda en derecho paresco y digo que en once de Junio de mil ochocientos treinta con audiencia de señor fiscal se espidio por el Señor Magistrado de la primera sala de la corte suprema de Justicia un decreto recaido a queja que hoce de dupojo violento de un terreno de mi propiedad segun como lo represente demostrandolo con presencia y cita de autos que en testimonio adjunti: todo lo enshuyen las primeras cinco fojas del expediente que con la salva debida acompaño—el Juez de mi vecindad me impuso de la orden que se le comunico por la secretaria del tribunal, para que no diere curso al citado decreto hasta que (como pidio el Gobierno) un comicionado hacia un reconocimiento de titulos de propiedades territomales en las Villas del corte, y aunque entendi cierta incompatibilidad aquel examen con la reponcion que se me debia de rigorosa justicia, espere aquella operacion por la larga seria

de mas de tres años; mas camado de sufrir quebrantos en mis intereses arraigados en aquel tereno y perjudicado e' inquieto por los que lo ocupaban ocurri al Gobierno pidiendo se sirviese determinar mi reposicion en virtud de no haberse evacuado la comision en tanto tiempo transcurrido y haber sufrido perjuicios el consejo a quen se dirijio mi ocurso, consulto que de estar satisfecho el Gobierno de haber cesado aquel embararo, podia yo usar de me derecho en el tribunal competente y de no 'que tome el Gobierno su providencias para que en un termino prudente se verifique el reconocimiento y por resultado procego' de conformidad, todo lo cual demuestra las tres siguientes fojas del indicado espediente como el Gobierno al decir de conformidad con lo consultado no señalo termino para el reconocimiento, claro es que lo dio por innecesario, y por consiguiente que el motivo de la suspencion del decreto no prevalece tanto como que puasto en el primer caso me declara con lugar á representar mis derechos ante el tribunal de Justicia como acorde el consejo en tal virtud como mis derechos por esta ves estan reducidos a que el decreto de la primera sala de la suprema corte de justicia de once de Junio de mil ochocientos treinta tonga su cumplimiento que el Tuer me ponga en prosecion judicial y me ampare en ella hasta que por juicio formal se me convensa: por tanto. A. V. S. pido y suplico se sirva (se lo hallare) justo declarado asi disponiendo lo necesario al fin de lograr la justicia que impetro con las protestas y juramento de lo necesario en derecho &a. Ciudad Victoria Junio veinte cinco de mil ochocientos treinta y cuatro un decimo &. Manuel Prieto. Ciudad Victoria Julio diez de mil ochocientos treinta y cuatro. Dere vista al señor fiscal con los documentos que se acompañan. R. Una rubrica se provego y rubrico' el auto anterior por el Senor Magestrado de la primera sala ciudadano Licenciado Pedro A. Rojas de que doy fe. Marcelino Perales, Secretario de Carnara. In mediatamente se cumplio con lo prevenido en el auto anterior una rubrica. Señor Magistrado de la primera sala ol fiscal dice: que en vista de lo decretado por el Gobierno, con fecha veinte dos de Junio del año procsimo pasado sobre los terrenos mercedados a los ciudadanos Manuel de la Garza, Rafael Garcia e' Ygnacio Treviño es claro que el ciudadano Manuel Prieto, que desde un principio se puso como propietario al denuncio y medida de ellos tiene ya expedita su accion para reclamar los por el orden de la ley: es decir, ante el Juez territorial de primera instancia; pues siempre que en los denuncios de tierras hay oposicion por derecho de propiedad l cuestion debe ventitarse y decidirse en juicio civil ordinario entre ol opositor y denunciante. Esta es la unica regla que constantemente debe seguirse: y asi apesar del giro que hasta ahora la tenido este negocio; el fiscal entiende, que para salvar toda clase de inconveniente debe volverse al camino demarcado en la ley, declarandose por la sala que el verdadero é encuestionable derecho que asiste al ciudadano Prieto, es que el alcalde de Matamoros, á quien asi se prevendra espresamente le admita la demanda que entable

como propiesario de los espresados terrenos sin que puede servir de obstaculo la merced y posecion que obtienen los ciudadanos Garza Garcia y Treviño cuyas adquiciciones no tienen toda la perfeccion necesaria en rason de existir un interesado que desde el principio manifesto la mas decidida oposicion y al cual se le han declarado finalmente por el Gobierno libres y espedicio sas derechos. Ciudad Victoria Julio quince de mil ochocientos treinta y cuatro. Un decimo &a. Licenciado Nuñes de Caceres. Ciudad Victoria Setiembre de mil ochocientos treinta y cuatro. Visto de conformidad con lo representado por el señor fiscal se declara que el ciudadano Manuel Prieto tiene su derecho espedito para reclamar en los Tribunales competentes los terrenos que manifiesta son de su propiedad, y estan mercedados á los ciudadanos Manuel de la Garza, Rafael Garcia é Ygnacio Treviño: en consequencia librese la correspondiente orden al ciudadano alcalde primero de la Villa de Matamoros, con insercion del antecedente pedimento y esta providencia previniendole que la notifique al citado ciudadano Prieto, y que en el caso de que este entable demando, conro propietario de los indicados terrenos, se la admita sin que sirva de obtaculo la merced y posecion que obtienen los espresados ciudadanos Garza Garcia y Treviño. R. Una rubrica se provey y rubrico' el auto anterior por el Señor Magistrado de la primera sala Licenciado Pedro A Rojas: de que doy fe. Marcelino Perales, seis de camara. Enla fecha se libro la orden que previene el auto anterior una rubrica. Derecho de este ocurso cuatro pesos cuatro reales: lo juro una rubrica. Señor Magistrado de la primera sala. Manuel Prieto de Matamoros ante V E como mas halla lugar en derecho paresco y digo: que conviniendo a mi derecho tener un testimonio del espediente formado á consecuencia de un ocurso que hice ante la primera sala reclamando terrenos de mi propiedad en jurisdiccion de mi vecindad cuyo ocurso es de fecha ocho de Mayo de mil ochocientos treinta—por tanto. A. V. S. pido y suplico se sirva prover se me libre dicho testimonio es justicia que pido con el juramento necesario &a. Ciudad Victoria Marzo ocho de mil ochocientos trienta y seis. Manuel Prieto. Ciudad Victoria Marzo doce de mil ochocientos treinta y seis. Traiganse sus antecedentes para prover. Una rubrica. Se proveyo y rubrica el auto anterior por el Señor Magistrado de la primera sala. Licenciado Julian Antonio del Hierro, de que doy fe. Marcelino Perales Secretario de camara. En catorce del corriente mes, doy cuenta con los antecedentes a que se contrae la anterior solicitud y para constancia lo firmo. Marcelino Perales Secretario de camara. Ciudad Victoria Marzo catorce de mil ochocientos treinta y seis. Vistos como lo pide. Una rubrica, se proveyo y rubrico' el auto anterior por el Senor Magistrado de la primera Sala Licenciado Julian Antonio de Hierro: de que doy fe. Marcelino Perales, Secretario de camara, en el mismo dia presente el ciudadano Manuel Prieto te notifique el auto anterior dijo: que lo aye y firmo: doy fe. Manuel Prieto. Mar-

celino Perales secretario de camara, tachado su divisonia, no vale, entre renglones, con, hacer, Vale.

Es igual y conforme a sus originales que abran en el archivo de la suprema corte de justicia del estado de Tamaulipas, a que me refiero, y en cumplimiento del superior auto incerto, y para entregar al Señor Don Juan Treanor; libre el presente en once sellos terceros habilitados para los años de ochocientos cincuenta y ocho y cincuenta y nueve ra fielmente corregido y consertado habiendo sido testigos de su confronta los señores Don Juan Mendoza vecino de la villa de Jimenes, Don Luis Gallando y Don Francisco Jimenes Valdes, vecinos de esta ciudad doy fe. Ciudad Victoria diciembre diez de mil ochocientos cincuenta y ocho.

BERNABE GARZA, Srio.

And the said plaintiff also, in connection with said paper, offered a translation thereof, which was admitted to be generally correct, but subject to comparison with the original, and which was as follows:—

Third seal, two bits, Mexican Republic, State of Tamaulipas.

For these years, 1829 and 1830. Mr. Justice of the superior tribunal.

I, the citizen Manuel Prieto, an inhabitant of Matamoros, in the most favorable manner, and under the assurances that are necessary and required by law, appear before your lordship, and say that, in the proceedings relative to surveys of vacant lands in the jurisdiction of my vicinity, a copy whereof accompanies this one, $9\frac{1}{4}$ leaves, it appears from the reverse of leaf 14 to leaf 18 that the dividing-line between said lands and those adjoining belonging to me comprised my property; and although the judge of surveys, citizen Matias Garcia, suspended it, being convinced by that operation that land would be taken from me; according to the decree on the reverse of leaf 17, he found some means of disregarding this fact so manifest, and of going to the extremity of causing me to be violently ousted, for which purpose he made the survey contained in leaves from 18 to 36, these proceedings unknown to the laws, which tract of the right of property, at which he aimed in the decree of leaf 29, the judge took as a foundation for classifying as vacant the land in question, with accumulation. He deceived the government, and obtained the decree on leaf 37, approving that classification. As a matter belonging elsewhere, I omit the original of another subsequent interlocutory decree that changed the effect of the former, and which the judge did not carry out, he omitting to answer it with what relates to the same to the principal proceedings of them. Mention is made in the proceedings on leaves forty-seven and forty-eight, and these incidents are in my possession for ordinary civil adjudication I submit, proposing to show that illegality of said survey, the uncertainty of the reports, and the unprecedented applica-

tions of the informations, upon which safeguard, with the interlocutory decree of the government, I believe the judge relies in carrying out his intentions. I will condense, so as only to show that the judge of surveys, citizen Matias Garcia, directly attacked my property, committing a violent ouster; therefore I believe I have an incontrovertible right to re-obtain my possession, and recover a just indemnification for the costs and damages I have suffered by so great an injustice. It has already been shown by the aforementioned proceedings of leaf twenty-nine that I opposed by right of property in the land specified in leaves forty-seven and forty-eight, and by those that follow after that of leaf twenty-nine it appears that, instead of proceeding in accordance with the provisions of article ninth of the colonization law, or at least in accordance with the last resolution of the government, the judge substituted new procedures which he arbitrarily invented. It also appears on leaves from thirty-eight to forty-two that the judge made the survey without notifying me as an adjoining proprietor; and, although by the tenor my appearance or notification appear to be unnecessary, such appearances will have no force, if attention be paid to leaf twelve, where I am offered as such adjoining proprietors; and the appearance of only the citizen Juan Tijerina (whom he for his purpose styled as the only one necessary) was not sufficient; and the reason alleged by the judge for such styling being uncertain, the fault of the judge of survey, remained constantly; and his acts were condemned to the pain of being null and insubsisting. It is not less manifest, by the proceedings of leaves forty-two and forty-seven, that the judge, by his own authority, took the land of mine which was embraced in the said dividing-line, and divided it among the citizens Ygnacio Treviño, Rafael Garcia, and Manuel Garza, establishing for them dividing landmarks (linderos).

It also appears by the proceeding of leaf forty-seven that the judge would only pass upon my documents executively, and did not give place to the ordinary tribunal, which essential proceedings remained blended with the newly invented proceedings of leaves from forty-nine to fifty-six. These, although they argued in my favor, notwithstanding the Judge reconciled them to his purpose, I reserve for the ordinary tribunal to decipher the deceitful character with which the Judge distorted the conclusion of the examinations referred to, proposing from this time to rely on, for the defence of my property, the very proceedings that he relies on to condemn me. In consequence of which it is alleged that the Judge in an arbitrary and subreptitious manner, and with pretensions that his proceedings were rectified, deceitfully represented to the Government, that the line run was legitimate and in conformity with my title deeds, and that the land partitioned was vacant, and thereupon the Government determined that the possession should be given to the citizens aforenamed on leaf seventy-six. This was carried into effect, my property remaining invaded, my rights retarded, and myself condemned

to lose the most valuable and essential part of my property, as upon it depends the security and advancement of all my fortune; the favored parties, actual possessors of my property, having been present at these acts, they were not exempt from these imparable frauds, and it was their duty to perfect their acquisition by lawful means, and when they obtained a thing that neither the Judge nor any authority could take, it is unquestionable that they placed themselves in the position of all who acquire wrongfully, for the same reason the possession cannot be regarded as in good faith, the possession was, besides, given informally and fraudulently, I refer to the proceedings of leaf eighty-two on which my signature does not appear; its absence was occasioned by the Judge's concealment of the opposition and protests that I made at the time, which documents are in my possession, and will take effect at the proper time and against the proper persons. I consider that it will be sufficient for me to have shown by reference to the proceedings that disregarding the laws, the land was forcibly taken from me, to which I have stated I made opposition in right of ownership, and that by reason thereof I have a right to be reput in possession, let whatever be the origin, or whoever be the actor, of this summary proceeding; but in order to show that my cause of action should be directed against the Judge of surveys, citizen Matias Garcia, as immediately by this officer I have been deprived of my property, since he adjudged and divided the cause as put forth in the said proceedings of leaves from forty-two to forty-seven, I have been inclined to review a portion of his proceedings, reserving the residue and the documents in my favor for the occasion when they shall become necessary, for all that is set forth, comprised in the liberality of the laws relative to the matter which are in my favor, to your Lordship I apply, praying for restitution of the property that the dividing line embraced and the Judge took, and which is that set forth on the reverse of leaf forty-seven and on the face of leaf forty-eight. When your Lordship shall have been pleased to replace me in possession and full enjoyment thereof, I am ready to respond to whatever opposition the parties shall make against me, provided such opposition be made by proceedings carried on in accordance with the provisions of the ninth article of the colonization law. In like manner I pray that your Lordship, in consequence of the merits of my application, will be pleased officially to adjudge that the citizen Matias Garcia, pay all costs of suit, personal expenses, and the damages which he has caused me to sustain, a minute statement whereof I shall present to the Judge of my vicinity, to be duly certified by him, reserving the right to prosecute him criminally upon his resisting this. I ask justice, protest and swear all that is necessary, &c. City of Victoria, May eighth, eighteen hundred and thirty, seventh of the installation of the Congress of the State. MANUEL PRIETO.

City of Victoria, May twenty-third, eighteen hundred and thirty.

This having been presented, let it be annexed to the accompanying proceedings, and pass the whole to the Attorney-General.

[A rubric.]

The Judge of the first hall of the Supreme Court of the State, citizen Joaquin Gusman, affixed his flourish to this. I certify,

RAMON VILLANUEVA, Secretary.

This instrument of writing, with the documents therein referred to, contained on ninety-four legal leaves, were passed to the Attorney-General as evidence, whereof I hereto affix my flourish.

[A flourish.]

Mr. Justice of the First Hall.

In surveying the lands that were ordered to be adjudicated in the jurisdiction of Matamoros to the citizens Ygnacio Treviño, Manuel de la Garza, the requirements of the government were not observed, inasmuch as the Judge did not conform to the documents that were presented by the citizen Manuel Prieto, which he should have had before him so as not to injure therein their property; the Attorney-General requested that this should be done, and the government thus decreed, but the Judge feigned not to understand, and did not observe the circumspection and caution required, nor did he take the steps that would have been necessary in order to act justly, from which indispensable resulted the demand of the injured party. It would be useless to notify adjoining proprietors, on making surveys, if these should not be heard, and if they are to be heard, it is indispensable that the matter should follow the course of law; in this view of the matter there was a violation of the laws and of the order of the government, and the survey should be made anew, after previous notification of adjoining proprietors, who should be heard, and as this treats of the invasion of property, it appertains to the judicial authority to take cognizance thereof, and your Lordship, should you deem it proper, may order that the lands be surveyed in accordance with the decree of the government, reserving for a future time the determinations of the question of costs and damages, should there be any one to demand or sue for the same. City of Victoria, June eighth, eighteen hundred and thirty, seventh year of the installation of the Congress of this State.

Licenciado GIL.

City of Victoria, June eleventh, eighteen hundred and thirty.

Having been inspected, and the report of the Attorney General, the surveys made by the Judge of Matamoros, are declared null and without effect, as having been made contrary to what is ordained by the government, and with injury to a third party, things are restored to their former state; new surveys shall be made in accordance with the decree of the government, and if there should still be opposition,

the controversy shall be carried on according to law, and in regard to the damages, the party should urge the same in a separate proceeding, and by due course of law. [A rubric.]

The foregoing decree was made by the judge of the first hall of the Supreme Court of justice of this State, the citizen Joaquin Gusman, who affixed his rubric (or flourish) thereto before me, which I certify. RAMON VILLANUEVA, Secretary.

On the same date, the citizen Manuel Prieto being present, I notified him of the foregoing decree, upon comprehending which, he stated that he heard it, and that in the event the judge of his vicinity, for any cause, shall not replace him according to the foregoing decree of the justice, he from this time resolves to recur to the hall, and sue for the damages and costs, that he may distribute. This he answered and signed before me, which I certify.

MANUEL PRIETO.
RAMON VILLANUEVA, Secretary.

On the proper day these proceedings were delivered to the same party, together with the proceedings that accompanied, on ninety-seven lawful leaves; and, that it may be made manifest, I enter it up as a proceeding, to which I affix my rubric.

[A rubric.]

Dues nineteen reals.

Most Excellent Sir:—I, Manuel Prieto, citizen of Matamoros, before the perfection of your excellency setting forth my right, appear and say: That the annexed transcript merited the decree of the first hall of the Supreme Court of justice of the State therein contained; by it, I should have been replaced in the enjoyment of my property that had been attached; but as the judge of my residence was tardy in complying with the said decree, after four months it was supervened by the official letter—of which I was notified during the administration of the ex-governor, pro tem., citizen Juan Guerra—which sets forth, on account of his excellency the Governor's having asked of this first hall the suspension of the decree of June eleventh, relative to the lands as to which Don Manuel Prieto disputes with the citizens Manuel de la Garza, Rafael Garcia, and Ygnacio Treviño, the judge (*magistrado*) advises me to state to you that until the person appointed to revise the titles of territorial possessions in those towns of the north shall have completed his duties and reported in regard to those that the *Señor Prieto* possessed, you will not carry into effect the interlocutory decree afore said, but will await a mandate to proceed to whatever shall have after be determined. I state this to you by superior order, for its observance. God and Law. City of Victoria, second of October, eighteen hundred and thirty, seventh year of the installation of the Congress of this State. Ramon Villareal, Secretary, citizen Alcalde first of the town of Matamoros."

The use of my property has been suspended for more than three years, awaiting the action indicated in said note. In so great a series have suffered a considerable loss in my interests, since while the criminal conduct of the judge who scandalously took away my property from me by force, prevails, my stock is daily diminishing, because the same always knowing their range on the land that was taken from me, pass over to it, and the continual desiring to put them out, the injury caused by the incursions that the alleged owners of the land belonging to me make, the want of the grass and water that is on the land, which is my own, make my daily losses incessant; in which, perhaps, the State may be interested, on account of the contribution which the nonefit of my course should produce to her. In like manner, he assumes the permanency of the ouster that was caused me by the judge, so great a wrong remaining with impunity, and I condemned to the losing of my property, which is guaranteed by the laws of the State. In virtue of which, under the protection of them, and having in view that only the circumstances of so unfortunate a period could give an honest appearance to the suspension of my right acquired by evident manifestations, and that your excellency not observing any thing other than the duties of your office, I ask and pray your excellency that you be pleased to declare as terminated the suspension of the decree made by the first hall contained in said supervention, making this known to the justice (Señor magistrado) in order that he may cause the decree to have effect accordance to its tenor and form; I being, as I am, in accordance with law, ready to establish or prove my ownership of the land aforementioned, whenever the government or any other legitimate party shall controvert it. It is justice I implore.

City of Victoria, twelfth of June, eighteen hundred and thirty-three, tenth of the installation of the Congress of this State.

MANUEL PRIETO.

City of Victoria, June fourteenth, eighteen hundred and thirty-three.

For the council, with the proofs.

MOLANO.

G. Arcos, First officer.

Most Excellent Sir:—The council advises that, as the decree of the first hall of the Supreme Court of Justice did not take effect, on account of the interposition of the government, by a certain appointment of persons to examine titles of property, the council cannot advise anything other than that it must be known to the government aforesaid, if this impediment has already ceased; in such case declaring it so the citizen Prieto may exercise his right in the competent tribunal, and if by any inadvertence the examination of to this order to be made by the government should not as yet have been completed, you can shape your interlocutory decrees so as that it may be verified within a reasonable time, as a considerable length of time

has already elapsed, and the party complains of the injury he suffers.

City of Victoria, June nineteenth, eighteen hundred and thirty-three, tenth, &c.

ANTONIO FIERRO, Secretary.

Office of the Secretary of the Council of the Government of the State of Tamaulipas.

City of Victoria, June twenty-second, eighteen hundred and thirty-three:

In conformity with what is advised by the council, and it appearing that already the survey has been made of the lands denounced by the citizens Manuel de la Garza, Rafael Garcia, and Ygnacio Treviño, and the possession given to these, it is declared that the citizen Manuel Prieto, if anything he has to claim, exercise (or assert) his right in the tribunal of justice to which it may correspond, where, with a hearing of the parties interested, he may make his claim to the lands, which they compute with him, by his title of ownership.

MOLANO G. ARCOS, First Officer.

Seal third, two reals, for the years eighteen hundred and thirty-three and eighteen hundred and thirty-four.

Mexican Republic, State of Tamaulipas:

Mr. Justice of the first hall:—I, Manuel Prieto, a citizen of Matamoros, residing in this city, before the perfection of your lordship, in the most proper form of law, appear and say, that, on the eleventh of June, eighteen hundred and thirty, with a hearing of the attorney general, there was issued by the Justice of the first hall of the Supreme Court of Justice a decree, based upon a complaint I made, of a forcible ouster from a tract of land belonging to me as I represented it, making it manifest by the presence and citation of proceedings, which by legalized copy I annexed thereto; all of which is shown by the first five leaves of the proceedings, which, with the due reservations I annex, the Judge of my neighborhood informed me of the order, that was communicated to him through the secretary's office of the tribunal, that he might not carry into effect the said decree until (as the government asked) a commissioner should make an examination of titles of tribunal properties in the northern towns, and although I understood certain incompatibility of that examination with the restoration that was due me by rigorous justice, I awaited that operation for the long series of more than three years; but when suffering losses in my interests established on said land, and injured and disquieted by those who occupied it, I applied to the government, asking that it would be pleased to determine upon my restoration in virtue of the examinations not having been completed, in so much time as had past, and on account of my having suf-

fered injurious, the council, to whom my application was referred, advised that the government being satisfied of that, impediments having ceased, I might exercise my right in the competent tribunal, but otherwise that the government might provide, so that in a reasonable time the examination should be effected, and in consequence decreed accordingly; all of which the three following leaves of the said proceedings show. As the government in laying in accordance with what is advised, did not assign a term for the examination, it is clear that it considered it unnecessary, and consequently that the reason for the suspension of the decree does not prevail, so that being put in the first case, it declares me in a situation to represent my rights before the tribunal of justice, as the council determined. In virtue of which, as my rights are for this time reduced to the effects, that the decree of the first hall of the Supreme Court of Justice, of June eleventh, eighteen hundred and thirty, be executed, that Judge may put me in judicial possession, and maintain me in it until I shall be deprived of it by a formal adjudication. Therefore I ask and pray your lordship will be pleased (should you deem it just), to declare it thus, disposing what is necessary in order to obtain the justice I seek for, with the protestations and oath required by law, &c.

City of Victoria, June twenty-fifth, eighteen hundred and thirty-four, eleventh of the installation of this State.

MANUEL PRIETO.

City of Victoria, July tenth, eighteen hundred and thirty-four:

Submit this to the attorney general, with the accompanying documents R. [A rubric.]

The foregoing order was made by the justice of the first hall, citizen *Licenciado* Pedro A. Rajas, and he affixed his rubric thereto, which I certify.

MARCELINO PERALES,
Secretary of the hall.

What was provided in the foregoing order was immediately complied with. [A rubric.]

Mr. Justice of the first hall: The attorney-general states that, in view of what is decreed by the government, under date the twenty-second of June, of the year now last past, in regard to the lands conceded (*mercedados*) to the citizens Manuel de la Garza, Rafael Garcia, and Ygnacio Treviño, it is clear that the citizen Manuel Prieto, who from the commencement opposed, as proprietor, the denouncement and survey of them, was already free from impediment, his action to reclaim them by mandate of law; that is to say, before the territorial judge in the first instance, inasmuch as whenever, in the denouncement of lands, there is opposition in right of property, the question should be examined and decided in the ordi-

nary civil tribunal between the opposer and the denouncer. This is the only rule that should constantly be pursued, and thus notwithstanding the course this transaction has up to this time pursued. The attorney-general is of opinion that, in order to avoid all manner of inconveniences, it should be returned to course marked out by the law, the hall declaring that the true and unquestionable right of the citizen Prieto is that the alcalde of Matamoros, who will be specially instructed to that effect, shall receive the claim or suit that he may bring as proprietor of the aforesaid lands, without regarding as an obstacle the grant (mercia) and possession that the citizens Garza, Garcia, and Treviño attain, which acquisitions have not all the perfection necessary, on account of there existing an interested party who, from the beginning, manifested the most decided opposition, and to whom his rights have finally been, by the government, declared free and untrammelled.

City of Victoria, July 15th, eighteen hundred and thirty-four, eleventh, &c.

Licenciado Nuñes de Caceres.

City of Victoria, September twenty-sixth, eighteen hundred and thirty-four.

Having been inspected in accordance with what is represented by the attorney-general (Señor fiscal), it is declared that the citizen Manuel Prieto has untrammelled right to reclaim or demand (*reclamar*), in the competent tribunals, the lands that he shows to be his property, and are conceded (mercedados) to the citizens Manuel de la Gaza, Rafael Garcia, and Ignacio Treviño; consequently, let there be issued the corresponding order to the citizen first alcalde of the town of Matamoros, incorporating therein the foregoing request and this provisional judgment, advising him to notify the same to the citizen Prieto; and, in the event of this party instituting a suit as proprietor of the aforesaid lands, that his suit be admitted without the grant (merced) and possession which the said citizens Garza, Garcia, and Treviño maintain, being regarded as an obstacle.

R. [A rubric.]

The foregoing decree was made by the justice (*señor magistrado*) of the first hall—Licenciado Pedro Ac. Rojas; and he affixed his rubric thereto, which I certify.

MARCELINO PERELES, Secretary of the hall.

On the date was issued the order provided by the foregoing decree. [A rubric.]

Dues for this copy, four dollars and four reals. I swear it.

[A rubric.]

Mr. Justice of the first hall—

I, Manuel Prieto, of Matamoros, before your excellency, as may be most appropriate in law, appear and say that, it being advantage-

ous to my right to have a legalled copy of the proceedings made in consequence of an application that I made before the first tribunal, reclaiming lands belonging to me in the jurisdiction of my vicinity, which application bears date the eighth of May, eighteen hundred and thirty. I therefore ask and pray your excellency to be pleased to order that said legalized copy (testimonio) be issued to me. It is justice I ask, with the necessary oath, &c.

MANUEL PRIETO.

City of Victoria, March eighth, eighteen hundred and thirty-six.

City of Victoria, March twelfth, eighteen hundred and thirty-six.

Bring me its antecedents, so as to determine. [A rubric.]

The foregoing order was made by the justice of the hall—*Licenciado Julian Antonio del Hierro;* and he affixed his rubric thereto, which I certify. MARCELINO PERALES,

Secretary of the Court.

On the fourteenth of the current month, I produce the antecedents to which the foregoing solicitation is annexed; and for proof thereof I sign this. MARCELINO PERALES,

Secretary of the Court.

City of Victoria, March fourteenth, eighteen hundred and thirty-six.

Having been examined, let it be as he asks. [A rubric.]

The foregoing decree was made by the judge of the first hall—*Licenciado Julian Antonio del Hierro;* and he affixed his rubric thereto, which I certify. MARCELINO PERALES,

Secretary of the Court.

On the same day, the citizen Manuel Prieto being present, I made known to him the foregoing decree. He stated that heard it; and he signed it. This I certify. MARCELINO PERALES,

MANUEL PRIETO. Secretary of the Court.

Erasures: *n*, *dividing*, not are valid. The interlineations, *with*, make are valid.

A true translation. WM. O'DOCHARTY, JR.,

April, 1859. Translator.

But the defendants Cobb and Treviño, by their counsel, objected to the admission of said copy and translation in evidence, on the grounds that it did not appear that Ygnacio Trevino, Rafael Garcia, and Manuel de la Garza were cited or notified of the institution or pendency of these proceedings; and that the said testimony was irrelevant and incompetent, and did not purport to nor could it affect the previously acquired rights of the said Trevino, Garcia, and Garza; which objections were sustained by the court; and the said copy and translation were excluded as evidence; to which ruling of

the court the said plaintiff, by her counsel at the time, and before the jury retired, excepted, and tendered this her fourth bill of exception, which she prays may be allowed, signed, sealed, and made part of the record of this cause, which is now done accordingly.

[SEAL.] JOHN C. WATROUS,
U. S. Dist. Judge, E. Dist. Texas.

Fifth Bill of Exceptions.

District Court of the United States,
Eastern District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

(Maria Josefa Cavasos *vs.* Wm. Evans. 5th Bill of Exception. Filed April 15th, 1859. F. J. Parker, Clerk.

Be it remembered, that, on the trial of this cause, the parties thereto, to wit, the said plaintiff, and Manuel Treviño and Eben Cobb, two of the defendants, to maintain the issues on their parts, gave in evidence the following oral and documentary testimony:—

The plaintiff introduced Manuel Lopeze Chapa as a witness, who testified that he had lived near the Rio Grande since the year 1802; known Salvador de la Garze slightly; was very young at the time; Salvador was a rich man in stock; he was the owner of more cattle than most of this frontier; kept his stock upon the rancho called Guadaloupe, about two or three leagues above here; he moved his stock from Guadaloupe, in 1786 or 1788, to this side of the river; moved his stock to the Agostadero del Espiritu Santo; this Agostadero was from the Puento above Santa Rita down to the sea; it was the heirs or children of Salvador who moved the stock.

This tract of land was bounded on the north by the Arroyo Colorado to the Laguna, and on the south by the Rio Grande to the sea; the boundary on the east is the lakes or bays and the sea. The rancho which this witness knew in this Agostadero in ancient times, were the Rancho de Espiritu Santo, or Pozote, or Rancho Vejo, Santa Rita, Santa Rosalia, and El Tanque. The first governor was Don Francisco Cavasos, who denounced the land; next Don Salvador de la Garza, who also denounced it, and a dispute arose which was decided in favor of Don Salvador; next succeeded him in the possession, Don Blas Maria de la Garza Falcon, Xaviera de la Garza, and Margarita de la Garza, his children, who held possession of the land in Santa Rita, Santa Rosalia, and El Tanque; after the death of Blas Maria de la Garza, his wife, Doña Francisca Cavasos, succeeded him in possession; that he, witness, did not know in what year she died, but that she continued in possession up to the time of her death; that Rafael Garcia Cavasos, who was married to Doña Josefa Cavasos, a niece of Doña Francisca Cavasos, succeeded in possession of this land. Doña Francisca lived at Santa Rosalia, one league below this place; that he knew Captain Pedro

Lopez Prieto; knew Ignacio Treviño; they were brothers-in-law, and Ignacio Treviño was mayor-domo of the rancho of the Tanque. This rancho was on the land of the Espiritu Santo. The children of Margarite de la Garza were Antonio and Manuel Prieto. He knew Guillermo Henoziose; he lived at the rancho San Martin, and was a tenant of Pedro Lopez Prieto; was no relation to him. That the land of the Espiritu Santo had many advantages for raising stock; contained water-holes; the stock were safe, having on one side the river, on the other the Arroyo; the wood and the Arroyo prevented their getting out on the western side, except through the puerta, which was narrow. This puerta was a place a league or ¾ of a league wide and was comparatively small; on the east the sea kept the cattle from getting out.

On being cross-examined by the defendants, the same witness testified: That he was born in 1788 or 1789; can read and write; was born in Camargo; first came down here in 1802; the stock were on the other side at Guadaloupe, and the children of Don Salvador passed them over to the other side; he heard this fact from common report; one of the parties who moved the stock, was his god-father; he learned it at Camargo; it was generally reported there, that the heirs of Don Salvador were coming down here to have a division of their stock. Captain Jose Goceascochea and Doña Xaviera de la Garza, his wife, possessed the rancho of Santa Rita, after the death of Salvador, Blas de la Garza had possession of the rancho of Santa Rosalia; the rancho of the Tanque was possessed by Pedro Lopez Prieto who was married to Doña Margarite de la Garza; Blas Maria de la Garza occupied the rancho of the Pozole with stock, and had a *labor* at Santa Rosalia. He knows of a sale from Francisca Cavasos to Captain Paredes; there was a writing of sale; he never saw it, but knows there was one.

Don Guillermo Hinujara gave a paint-horse to Pedro Lopez Prieto, as rent for the place; witness saw that in Camargo, Pedro Lopez Prieto claimed the rancho San Martin as the land of his wife, Margarite de la Garza; the land down to the sea was considered as belonging to the agostadero of Cap'n Don Jose Salvador de la Garza; witness has lived about a league below Matamoros, on the right bank of the river; has been at the rancho San Martin; it is about two leagues below the tanque. The persons who lived at the tanque, Santa Rosalia and Santa Rita, claimed those lands as their portions of the grant.

Does not know whether Doña Xaviera claimed any land except at Santa Rita; knew that Doña Francisca put tenants below her rancho; put them down at San Juan and below, down to the sea, and thence to the Arroyo Colorado; Enrique Villareal was a tenant in those times of Doña Francisca, from the Arroyo Colorada, and from the Saus down to San Juan, and thence as far down as he pleased to the bays; he learned this from Don Francisca; Enrique Villareal lived in Matamoros; kept stock on the land he rented from Doña Fran-

cisca; she had her part separate, and so had Prieto; she might have rented this by permission of Prieto; from the tanque to Santa Rosalia belonged to Doña Margarita; from Santa Rosalia to Los Prietos belonged to Doña Francisca; from Los Prietos to the Puerta to Dona Xaviera. The part of Padro Lopez Prieto extended from the river to the Arroyo; the other parts also extended from the river to the Arroyo; Doña Francisca used to rent to other persons the lands down below, and Prieto did not prevent it or interfere; she used to rent to those who applied to her; she rented it to put stock on, sheep, cattle, and horses; does not know that she claimed the land from Santa Rosalia down; and does not know a rancho on the Arroyo Colorado called the Cupitaneño.

On re-examination the same witness certified that the part of the Espiritu Santo along the lagunes of the sea was held in common by the children of Don Salvador; there, then, was no actual partition of the Espiritu Santo land by a survey, or in any other way, but only arrangement among themselves; and that he did not know why they did not divide among themselves the land adjacent to the sea.

On being again cross-examined by the defendants, the same witness testified, that in the division they made they did not go into a division of this land near the sea; he knew that they held this in common, because they did not make a division; he don't know how this land was held; but the only one who defended it was Manuel Prieto.

The plaintiff then introduced Tomas Guerra as a witness, who testified that he had lived near the Rio Grande; is 66 or sixty-seven years of age; was born in the Hauquachal Rancho, about five leagues from Matamoros; was acquainted with Blas Maria de la Garza; Doña Francisca Cavasos was his wife; Don Blas kept his stock of cattle on the Agostadero del Espiritu Santo. The boundaries of the Espiritu Santo were from the Arroyo Colorado to the Rio Grande, and thence along the lakes of the sea to the Tavernas, where the Arroyo Colorado enters the bay; the western or upper side was from the puerta or entrance along a thicket reaching to the Arroyo Colorado; thence the boundary continued along the Arroyo to its mouth; and thence along the bay of the sea to the mouth of the Rio Grande; he knows the ranchos of Reparo, El Tanque, Rancho Viejos, San Juan, Santa Rosalia, and San Martin, further down; these were the old ranchos; subsequently, several other ranchos have been established.

He knows Don Blas de la Garza, Margarita de la Garza, Xaviera de la Garza; Doña Xaviera de la Garza lived in Santa Rita; Blas de la Garza claimed Santa Rosalia and Rancho Viejo, and this present site of Brownsville, and from Santo Rosalia down was claimed by Doña Margarita, wife of Prieto. He does not know how long they continued in possession of this tract; Doña Francisca Cavasos succeeded Don Blas after his death in the possession of the land; Doña Josefa Cavasos after the death of Doña Francisca, succeeded her in possession of the land. They used it for raising horses, cat-

tle, and sheep; used it in common; he never knew of any division between them or dividing lines, except that they held their ranchos separately; they had large stocks. The cattle ranged over the whole of the Agostodaro all together, did not separate them; when they wished, they all herded them up and each owner cut out his own. The watering places near the ranchos were held separately, but the cattle of the other ranchos drank at them; and the other watering places over the whole tract of land were held and used in common. It had the advantage at that time of being principally prairie; it had also the advantage of having the Arroyo on one side, the lakes or bays on another, the Rio Grande on the south, and the thicket on the east side, being thus enclosed; there were some passages through the thicket, but they were small so that stock could not wander or get out.

On being cross-examined by defendants' council, the same witness testified that he could not read or write; the manner in which he learned the boundaries, were because he lived here as tenant several years keeping his own stock; his father also had cattle, and he heard about the boundaries from him and general report or hearsay, and also heard that Salvador de la Garza had bought the land, and had heard the children speak of it. Never saw Don Salvador or heard him speak about the lands, but had heard Doña Francisca speak of the boundary rented from her; heard her says that there was a grant or title, and that it was in the possession of Cap't Goseacochea; heard her talk about this whenever he conversed with her, heard this spoken of from the time he came to the use of reason; never heard Don Blas say anything about the land; never heard Treanor say anything about it; Treanor never asked him about the boundaries; it may be more than twenty years since he heard Doña Francisca talk about it; he knew her since he was a child; he left the land, and ceased to be a tenant of hers some time before her death. Has not been subpœnaed as a witness, came at request of Don Miguel Cavasos; Don Padro Cavasos came to bring witness here; Don Padro went there to ask him to come; Don Padro asked witness if he knew the land, and he said, yes, and asked if he could serve him—witness said he would answer any questions; Don Padro and Don Miguel said nothing to witness about the boundaries of the land; Dona Josefa knew that witness had been a tenant of her aunt; by serving him as above; he meant that he would come here and answer such questions as might be asked him, and nothing else.

The plaintiff then introduced Domingo Hernandez as a witness, who testified that he was seven years of age when he came here; is seventy-one years of age; knew Blas Maria de la Garza; knew Doña Francisca his wife; they had a large stock of cattle; knew Blas to hire the rancho of Rancho Viejo, called Posale, and Santa Rosalia; the Rancho Viejo is on the estate or agostadero known as belonging to Don Blas Maria de la Garza, north of the Rio Grande; Santa Rosalia is down below, towards the mouth of the river; does

not know what the land was called; witness was a soldier; Doña Francisca Cavasos was in possession of the rancho after the death of Don Blas; Don Rafail Cavasos, and Doña Josefa Cavasos, had possession of these ranchos after the death of Doña Francisca. He knew Ignacio Treviño and Padro Lopez Prieto; never knew any other wife to Padro Lopez Prieto than Doña Margarite de la Garza; Padro Lopez Prieto had his rancho at the tanque; he knew Ignacio Treviño at the rancho of the tanque; he, Ignacio Treviño, was living there then, because he was mayordomo of the rancho, and had the control; witness was there on some occasions, at the shearing time, and saw that Ignacio Treviño was the superintendent, and paid off the hands; witness received money from him; Ignacio Treviño was at that time mayordomo for Padro Lopez Prieto; witness knew Guillermo Hinojose; knew him at San Martin; saw him at the tanque; used to come there on business; came there to visit as neighbors; Ignacio Treviño was mayordomo for several years; it is a long time since Guillermo Hinojose was living at the tanque; he moved away in consequence of the Indians; witness does not know how Guillermo Henijose was living at San Martin, whether as tenant or "*arrimade*," never asked him.

On being cross-examined by the defendants' counsel, this witness testified that he did not know that Ignacio Treviño had any residence below the tanque, at the time he was mayordomo, as before stated; witness never saw San Martin or the tanque after Guillermo Hinojose left San Martin; knew no other person living there below, except Guillermo Hinojose; witness did not come over afterwards; Ignacio Treviño had a family; saw them once or twice at the tanque; does not know whether they lived there, or came on a visit; were from Camargo; never saw Ignacio Treviño at the rancho of San Martin; was at the rancho San Martin when witness was a soldier; no one else was living there, except Guillermo Hinojose and his family; does not know what year it was; it was at the time witness was a soldier, and while Ignacio Treviño was living at the tanque; he did not know Ignacio Treviño to have any stock at San Martin or near it; knew him as mayordomo; Padro Lopez Prieto at this time lived at Camargo; Padro Lopez Prieto was in the army as captain or lieutenant, has seen him at the rancho of the tanque; he employed a mayordomo, because he was in the army and could not attend to it himself; lived at Camargo, and had other business himself; thinks that Don Ignacio Treviño had not lived at San Martin or at the tanque before he was mayordomo; never saw him or his sons at San Martin attending to cattle there; there was no other person than Guillermo Hinojose at San Martin, his family and stock were there; saw at San Martin the said stock of Guillermo Hinojose, his horses and cattle; Ignacio Treviño might have had some stock there, but witness did not know it; Guillermo Hinojose had stock at San Martin, and cattle pens; witness was never at the tanque or San Martin after the death of Doña Francisca; has not lived at the rancho of San Martin since Don Guillermo Hinojose

was driven away by the Indians, and the country above San Martin was depopulated; heard that there was surveys on this side, but does not know what they were made for; has not been there since.

The plaintiff then introduced Jose Dorotio Peña as a witness, who testified that he had lived near the Rio Grande all his lifetime; knows the Espiritu Santo; has known it from the time he came to the use of his reason; thinks it was abandoned; it is now called Rancho Viejo; knows that cattle were kept on this rancho; they belonged to Doña Xaviera de la Garza; did not know Blas W. de la Garza; knew Padro Lopez Prieto; he had stock; he kept his cattle at the tanque, and the horses at the place called the Repaso, and a few head at the tanque. The Repaso was opposite the Frontone, and north of it; the Frontone is now called Point Isabel; above that was the Repaso; these horses and cattle pastured all over the agostedaro; there were many other persons who had stock on the land between the Arroyo, the Rio Grande, and the Lagunas of the sea, as tenants and animidos, and witness only knew as owners Francisca Cavasos, Xaviera de la Garza, and Pedro Lopez Prieto. He does not know of any person except those he has mentioned who had stock on the Lagunas or the sea on the tract. Doña Francisca Cavasos lived at Santa Rosalia, on this side of the Rio Grande, about a league and a half below here; Xaviera de la Garza had only the rancho of Santa Rite. The Espiritu Santo belonged to Francisca Cavasos. As the Agostadaro was in common, the stock ranged over all of it. The Arroyo Colorado prevented the stock from wandering on the northern side; the Rio Grande prevented them from wandering on the south; on the other two sides a wood running from the river to the Arroyo; the entrance was ¼ league wide. This wood extends from the river to the Arroyo; the Arroyo runs down to the sea, and the river down to the sea. These form the boundaries of this land, and the impediments to stock escaping; knows of no other owners of the land embraced within those boundaries; the owners were Doña Xaviera and Doña Francisca, and Don Padro Lopez Prieto; knew Ignacio Treviño; saw him at the tanque; he was mayordomo of Don Padro Lopez Prieto; Padro Lopez Prieto lived at Camargo; did not know his wife.

On being cross-examined by the defendants, the same witness testified that he was seventy-two years of age; could not read or write; it is about thirty years since he was last at the tanque; was a boy when he was first there; resides at the Capote; it is opposite the Carricitos, about four leagues above here; it is about fifty years since witness first knew Ignacio Treviño; he knew that Ignacio Treviño had a rancho below the tanque, called San Martin. At and before the time that Guillermo Hinojosa removed, Ignacio Treviño lived at the rancho of the tanque, and his cattle ranged below with his brother Francisco's. At that time Guillermo Hinojosa lived there, Francisco Treviño lived then at St. Martin and afterwards, but Don Ignacio Treviño never did. When Guillermo Hinojosa put

the rancho there he did so for Padro Lopez Prieto, or on his account. Guillermo Hinojosa moved away from San Martin when the Indians came down. Witness was then about thirty years of age. Francisco Treviño and Ignacio Treviño had their stock at San Martin after Guillermo Hinojosa had left it, but witness does not know how, or whether as renters or otherwise. Cannot say how they claimed; cannot say whether they had much or little stock; saw the brand; they were branded with the brands of both brothers; knows that Ignacio Treviño was mayordomo of Padro Lopez Prieto, because Padro Lopez Prieto had a *caporal* at the tanque, and another at the Repaso, and Ignacio Treviño used to supervise both places, and attend to the branding of stock and other business. Does not know that Ignacio Treviño had stock at the tanque before he was mayordomo, but Francisco Treviño had. They watered at the *Estaro*, and ranged down towards San Martin. Does not know with what brand the cattle at that time were branded. Does not know that they were renters. There were a few animados who used to come to get land to plant. The *labors* are separate. By agostodaro is understood pasture land, in contradistinction to cultivated fields. Padro Lopez Prieto claimed the rancho of the tanque in right of his wife. This extended to Santa Rosalia. Francisco Cavasos claimed the rancho of Santa Rosalia. From that place up to the Prietas was claimed by Francisco Cavasos. From las Prietas above was claimed by Doña Xaviera. The rancho of Doña Xaviera had belonged to Salvedor de la Garza; Santa Rita was about a league distant. Xaviera claimed the land from las Prietas to the Puerto; Doña Francisca from the Prietas to Santa Rosalia; Padro Lopez Prieto from Santa Rosalia to the sea. These tracts ran across from the river to the Arroyo of the same width.

On re-examination by the plaintiff's attorney, the witness testified that these persons used this land in common, but had their ranchos separately; the cattle ranged together, but had different herdsmen to attend each one's stock. He did not know of any partition or division of the land between those parties into distinct parts.

The plaintiff then introduced Felis A. Blucher as a witness, who testified that he was district surveyor of Nuaces District for ten years; had frequently resurveyed titles issued by the Spanish and Mexican governments, in his district; he had made these surveys by the titles; he had examined some titles (four or five) issued by the Spanish government; these titles (which he had examined) were issued during the first fifteen years of this century; he read Spanish; he had generally no difficulty in reading Spanish titles; he spoke Spanish; he acquired a knowledge of Spanish by reading Spanish books, and practical knowledge which he acquired in Texas and Mexico; he had seen the old title of the Espiritu Santo before; he examined the translation marked M; and he made some suggested alterations in pencil; including those, the translation is substantially correct. And he further states, that the word "lindero,"

according to the context where found, was to be construed as either a natural or artificial boundary mark; he understood "lindero" to mean a visible boundary, either natural or artificial, to designate the boundary; *Lindaro de eschuro* is sometimes used to express a corner; lindaro denotes a boundary where one tract begins and another ends, as a visible boundary mark; it is applied to any natural landmark—as a mott of trees, a junction of streams; a corner post or stake is called *palo clavado* or *estaca;* a stone mark or monument is called *moginasa; agostadero,* means a tract of land, which is called in appraisement, as pasture lands; in speaking of a tract of land, and using the expression, el agostadero de Espiritu Sante, he would understand the whole tract within its known boundaries; "*potraro*" means a tract of land inclosed by natural boundaries, either entirely or partially, so as to render it difficult to get out of it, and therefore fit for the keeping of stock. Here on the Rio Grande they sometimes called the small bends of the river fit to be fenced in, *potraro; bolsa,* as used in reference to a tract of land on the border of a laguna or lake, is properly translated pocket, it means a place nearly surrounded, in which after entering it is difficult to get out; it is sometimes called *vincon.* "Animado" means a tenant at will, who has permission to live near the *rancho* of the land-owner without paying rent, but is expected to perform slight services, and is entitled to keep a limited amount of stock on the land. He had noticed instances of excess of quantity in making resurveys of land, and in titles, especially in Mexican; sometimes in Mexican titles to nearly double the amount called for; in Spanish titles the extent is not so considerable; the excess in one instance would amount to twenty-five per cent.; there was a practice when the surveyor did not consider the land worth much, to make up in quantity what was lacking in quality; they were very lenient in such matters; it was not the custom for Spanish surveyors to meander the streams; in some Mexican surveys a rude attempt was made to approximate to the quantity and shape by offsets; the lines of the Spanish surveys are run in accordance with the *ordinanzes,* north, east, south, and west, according to the compass, or magnetic; in the resurveys he has made, he has found the lines to be magnetic; in running a line along the front of a tract fronting on a creek, the Spanish surveyor run a straight line at a convenient distance from the river, and estimated the quantity contained in any large bends; this was done with considerable bends. The two tracts which contain most excess, are two fronting on Corpus Christi Bay and the Lagune Madre; the excess in these tracts is occasioned by the surveyor throwing in land considered of little value; in the Ramon Hinojosa tract, the surveyor says that he only counts a peninsula, which is part of it, as one-half *sitio,* while it contains six and one-half sitios, because it is represented to be indifferent land; it is really tolerably good land.

On being cross-examined by the defendants, the same witness testified that he did think it necessary to make a correction in the

translation of the word "lindaro;" linea means an imaginary line, or one run on the ground without visible mark; he would not call line trees lindaros, but they might be called so; since the title sometimes speaks of "lindaros" in the middle of a tract. A line without marks could not be considered a boundary line, with marks he should think it could be considered; it cannot now be well ascertained how far the surveyor did run a survey from the river; the calculation of quantity was generally accurate; in one instance he had found an excess of about ¼, or 25 per cent., but this survey is not yet definitely made by him; in surveys on river the front line was run first, and the *juez de medidas*, usually required the surveyors to estimate the quantity contained in large bends.

He could only say that he would not put any stakes at the ends of lines except for corners, but cannot say what was the object in this title except for that purpose; Descabecer, he first thought, meant "go around the head of," but he has since been led to think that it means to go across or through near the head of a pond or lake; it may be used in both meanings.

On re-examination by the plaintiff's counsel the witness testified that, "Linderos" need not be at the corners; the corners were marked on boundary lines; in one instance the corner of a front line on the river is 250 varas from the river, and another 500 varas; but the title called for the creek, and he ran by the creek in his survey; he would not call a line a "Lindaro," but only the marked and visible objects.

The plaintiff then introduced Ignacio Guerra as a witness, who testified that he had lived near the Rio Grande from the time of his birth, sixty-two years ago, to the present; was born at Reynosa; before the marriage of Doña Maria Josefa Cavasos and Don Rafael Garcia Cavasos he, witness, knew them; they were married on the second day of October, eighteen hundred and eighteen; he was present at the marriage, and knows the priest who performed the ceremony; after the marriage they came to Matamoros; they also lived together as husband and wife always during the time of their marriage; Rafael Garcia Cavasos died during the year eighteen hundred and fifty-three, in Matamoros; he, witness, was educated in Monterey, and in the college called *Semenario de Monterey*; "Lindero" means, in its positive sense, the cardinal points which divide tracts of land, but, in a lax sense, it may mean a line of division; for instance, between the United States and Mexico the Rio Grande is a lindaro; the expressions *Lindaro del Rio Grande* and *Lindaro del Arroyo Colorado* means that those streams divide tracts of land; the expression *La Linea de las lagunas del Mos* means a line which the lakes or bays forms, that is that the line is the margin of the lakes, and the land extends down to the margin of the Laguna; the Lagunas are considered as a line; *Arrimado* means a person who lives on the land of another with his consent, and without paying rent; *Potraro*, as used on this frontier, means a tract of land, large or small, sur-

rounded by natural or artificial obstacles which prevent cattle from straying; *El Agostedaro del Espiritu Santo*, as understood on this frontier, would mean the land of a proprietor on which stock ranges; this expression means the whole of *of* the tract of land belonging to one proprietor, not merely that on which the cattle pasture.

On being cross-examined by defendants' counsel the witness stated that the dictionary shown him (a dictionary added by Salva) was a work of authority, though much criticized; that there were others better; the dictionary is admitted in all Spanish countries; inaccuracies have been pointed out, but not proved; another dictionary shown him purports to be a dictionary of the *Academia Española*, but witness did not know whether it was so, as there was no name of an author as is usual; the dictionary of Salva contains the dictionary of the Spanish Academy, and a great many provincial terms in the last edition; this is the 8th edition; he did not know how many editions there were; and the plaintiff then gave in evidence the original title issued by Francisco Xavier de Gamboa, as special judge of lands and water, to Jose Salvador de la Garza, for the lands of Espiritu Santo, together with a translation thereof, which is referred to in the testimony of the witness, Blucher, as marked *M*, which said title and translation are as follows, and to be taken in connection with the testimony:—

Mexico y Setiembre veinte y seis de mil setecientos ochenta y uno. Titulos de Tierras que se hayan en el potrero nombrado el Espiritu Santo, marjenes de las lagunas de la mar del seno Mejicano conquistadas por D'n Jose Salvador de la Garza, vecino de la Villa de Camargo en el año de mil setecientos setenta y uno. Una rubrica.

Mexico y Setiembre veinte y seis de mil setecientos ochenta y uno. Titulo de composicion, Adjudicacion y merced—de cinquenta y nueve sitios de Ganado Mayor y once caballerias de tierra hecha por el Sor. Jues privativo de tierra de este Reyno, y confirmada por la Real Audiencia á fabor de D'n Jose Salvador de la Garza, vecino de la Villa de Camargo en terminos de la colonia de Santander.

Don Francisco Xabier de Gamboa del Consejo de su Magestad su oidor en la.

Real Audencia de esta Nueva España y Juez privitivo de ventas y composiem de Tierras y Aquas en el Distrito de dicho.

Real Audencia, &a. Por cuanto ante mi y en este mi jusgado Prinitivo se han seguido autor a pedemento de D'n Jose Narsiso Cavasos vecino y poblador de Nuestre Soñe de Guadaloupe de Reynosa en el Seno Mejicano pidio se aumitior a composicion por un Potrero nombrada Santa Rita y habiendose librado el Acordado para que se practicaren los diligencias que en el se previenen a fin de su pretencion en cuyo acto contradijo á alla D'n Jose Salvador de la Garza espresando que dichas tienas se continan dentro del Potrero que nombrada del Espiritu Santo el que tenia denuncia desde el año de setenta y dos ante el Teniente Gral. de aquella colonia qui en le mando veuniere a este Jusgado y habiendolo ajacutado por

poderes que dio, y efecta y para el asmito no lo pudo conseguir por micion de los Apoderados. En cuya vista de las diligencias practicados a pedemento de Cavasos y lo alegado por uno y otra parte. Por auto de veinte y seis de Noviembre del año pasado de setecientos setenta y siete, declare no haber lugar la composicion del paraje de Santa Rita pretendida por Cavasos y mande que a Don Jose Salvador de la Garza en conformided de la Denuncia que tenia hecha anticipadamente ante el Teniente General de la Colonia y que habia rictirado en este jusq'd se la librare despacho para que el Teniento mas cercano practicare la diligencias del Acordado en cuyo obcdeciemento el Teniente de la Villa de Camargo procedio á recibir la informacion que signe.

En la Villa de Santana de Camargo en el citado dia quince del mes de Junio de mil setecientos setenta y nueve años. Ante mi Don Juan Antonio de Echave Tromiste en Justicia Mayor de dicha Villa, y Juez Comisaria en este dilisencias y de los tergaz de assistencia, D'n Jose Salvador de la Garza presente por primer Testigo a D'n Salvador Vela, vecina de deche Villa que su persona que doy fé, conoses le recibi Juramento que hiso en todo forma por Dios nuestro Sar. y la siñal de la Santa Cruz, bajo del cual prometio decia herdad en lo que supieras y fuera presentado y siendola como tengo mendado, dijo que el Potraro que conoce por del Espiritu Santo tiene por terminos y lindaros el arroyo Colorado, las lagunas de la Mar el Rio Grande, y por la parte de la entrada un Monte espaso, que sabe que el primero que poblo dicho Potraro a fue Dn. Jose Salvador de la Garza quien lo ha possido y posié con otros varios que mucho despues los puro a su animo habiendo como de ocho años a este parte perea mas o menas que lo poblo que sabe que son valdias y realengas por no haberlas conscedo dueño que esta es la verdad co cargo juramento que tenie facho en el que se afirmó y satificó, dijo sea de edad de setente y cinco años, y que no le tocan las generales y por no saber firmar hicelo yo el espanodo Juez por ante mi y testigos de unistencia con quienes actuo como Juez receptor de tedo doy fe. JUAN ANTONIO DE ECHAVE.

De asistancia—Jose Lorenzo Trevino.
De asistancia—Tomas Flous.

Yncontinente en el referido dia mes y uño ante me el supradicho Juez y testigos de asistancia para la presente informacion dio por segundo testigo Dn. Jose Salvador de la Garza a Juan Damacio Parez Español y vecino de diche villa y en su persona que doy fé. Conosco le recibe juramento que hiso por Dios Nuestro Sor. y la señal de la Cruz, bajo cuya religios ofrecio decia verdad en la que suprise y fuera preguntado y siendole como esta prevenido dijo; estando presente la parta vealo jurar como en la primera exposicion, que por mi lado tiene y forma el Potraro que yaman del Espiritu Santo el Rio Grande Lagunar de la Mar Arroyo Colorado y un breñal espaso del lado de la contrada de el dicho Patraro en cuyo centro tiene algunos Charcos, cuando yueve que d poco se secand, que el

primero que entro en el rompimiento del Monte fue don Jose Salvador de la Garza quien lo ha poseido y posié, con otro que habea como ocho o nueve añon que dicha Dn. Jose Salvador lo tiene poblado que conoce dichas tierras por eriasos valdias y realengas y que no ha conocido anteriormente otro ninguno ni lo ha Oido decir al que haya poblado dichas tirnas que esta es la verdad lo cargo del juramento que tiene fecho en el que afirmandon, y ratificandose dijo en su edad de cincuenta años, y que no le tocan los generales como tambien no sabe firmar firme lo yo dicho Juez por ante me y testigos de asistancie actuando por receptoria como espresado es se que doy fe. JUAN ANTONIO DE ECHAVE.

De asistencia—JOSE LORENZO TREVINO.

De asistancie—TOMAS FLORES.

En la villa de Sose. Santana de Camargo en dies y seis dies decho dia mas y año ante mi el susodicho Juez y de testigos el asistancie Dn. Jose Salvador de la Garze presento por tercer testigo d Dn. Juan Bautista Garcia vecino de deche villa y en su persona que doy fé conocio estando presente la parte le tomo juramento el que hiso conforme á derecho por Dios nuestro Sor. y la señal de la Santa Cruz bajo del cual prometio decia herdad en lo que supúsa y fuera preguntadas, y siendolo como se requiese dijo: qua ho cerca de veinte y seis años que conoce el Potraro que ahora yeamen del Espiritu Santo Ynocúsanos afrecid en contratos Indios barbaros como uno de los primeras pobladores de esta villa y que siempre lo ha conosido por cuaso valdio y realengo y que dicho Potraro lo forman por en lado el Arroyo conocido por Colorado por otro las Lagunas immediates a la Mar, y por tercaro del lado del Sur el Rio Grande viniendo a cervar por el poniente con una apressu de Monte que sebe por publico y notario la habico y rompio' haciendole entrada Dn. Jose Salvador de la Garza cuando lo poblo' que habia' de ocho a nueve años sin que antes otro ninguno lo hubiera hecho y que un animo sabe y le comta ha mutinedo d otros sujetas que metio despues que el entro y poblo dicha tierra en la que há visto muy cercas y trancas que sirven para cervae la puenta todo hecho por dicho Dn. Jose Salvador de la Garza el que ha gosado y montenido en el sus bienes hastar la presente, y que en dicho potroso no hay Aqua permanentes mes que del Rio Grande que esta Vedall lo Cargo del juramente que tiese facho en el que se afirmo y satifico' dijo ses se edad de Setente años y que no lo tocan la generales y que no sabe firmar, firmelo yo por ante mi y testigos de asistencie conquiemo actuó como dicho es el que doy fée. JUAN ANTONIO DE ECHAVE.

De asistencie—JOSE LORENZO TREVINO.

De asistencie—TOMAS FLORES.

En la mencionado Villa, dia mes y año ante mi y en este Jusgado y de testigos a asistancia presento la parte cuartro testigos para la presente informacion a Don Lorenzo Serna vacino de esta Villa, y en su persona que doy fé conosco le tome juramento que hiso en toda forma de derecho por Dios nuestro Sos, y la Señal de la Cruz bajo

En la nominada Estancia du treinte de dicho mas y año; Yo el citado Juez habiendo finalisado la vista de ojos de estes tierra del Espiritu Santo que en concorcio del Medidor nombrado Dn. Manuel de Sierralta y demas sujeto yo citadad se efectur y reconocio los rumbos el sus lineas centro y goneno el que es criaso por las muchas quiebras y derramez que contienasi por barios Estasos vila etados y Grandos que mencionar y manifiestan que por ellos se inundar lo mas ó todo el potrero en las crecientos especialmente se dicho Rio Grande y arroyo Colorado como que de estos demconan dichos estaros y Lagunas, fomentodas oster igualmente de los creacentes del Mar que viniendo juntes esta visto el peligro dicho de anagarse sin otro efugio que de algunas limitados altos que tiene dicho Potrero ó salir la gente por canoas a tierra firme en learga distancie por estenderse el legua en estos ebentoz tanto de una parte como de otro del Rio y el arroyo por lo que lo mas de dicho terreno de este Potrero Selo Labe de un sacate llamado sacagueite nada comibles de animal ninguno como se trinos por esperiencia yerba que regularmente se de en tierras salitrosas en costas sin que conlenge el dicho Potrero aquap perpetuamente mas que el Rio Grande y cuando Yuche algunos charcos que a poco tiempo se secan sucediendo este tambien en los dichos Estaraz por las aguas del arroyo Colorado Salitrosa y amargo es semejante a le de la mar, por lo que solo es util pera Cabayader, y tado ganado por el seguin y sesquado de no tiene el en lo dicho Potrero mas de una entrada y solida por la montefii que corse de atravecia desde el arroyo Colorado al Rio Grande todo lo que pongo por dilijencia firmando la por ante mi, y demas que supieror de los citados concurentes y agrimensor actuando por receptorie con testigos de asistancia como dicho en de todo doy fée.

JUAN ANTONIO ECHAVE,
MANUEL SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
PACHO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA.

D'asistancie—JOSE BENITO LOPEZ.

En dicho Estancia nombrada el Espiritu Santo dia primero del mes de Julio del esprasado uño; yo el citado Juez en siesta de esta concluida la vista de ajos del referido Potrero y por ella no haberia objetado com en constancia que impeda o embarase la medido y reconocimento de sus tierras como se me previene en fuerra de la cual senor de mandar y mando se para a su y emicion la que dene comencen desde un abrebadero que se haga en el Rio Grande en donde forma esquina con la cerca que cone hasta este parage de Norte a sur que es la liner de la Montaña que sale del Arroyo Colorado por dicho rumbo, y para su efecto lo pongo por diligencia por

ante sur y testigos con quienos actuo por receptoria como dictos se de que doy fée. JUAN ANTONIO DE ECHAVE.

De asistancia—JOSE RAFAEL LOPEZ.
De asistancia—JOSE BENITO LOPEZ.

En el abrebadaro citado arriba del Rio Grande del Norte estando en el en dos Dios de dicho mes y año yo el referido Juez acompañado de testigos de asistancia colindante y circum lucino an dentro como fuera de dicho Potrero que son las mismas por no haber otros que los ya nominados parra la vista de ajos mande a Dn. Manuel de Sierratea como Agrimensor nombrado y juramentado en forma parra este medida comencon a ejercer su mimitario que en ante mi testigos y demas concurrenter dichos tomo una harste de largor regular y actuendo en ella uno de las estremos del Cardel preparado para este fin midio desde dicha hasta, y la dio ciencuta varas con vara de modie panos de Castilla crual en esta provincia del nuevo Santander y medidas que fueron dichas cincuenta varas en donde se completeour átó el citado cordel a otra hasta de equal porte de sueste que entre una y otra solo medinon las espresados cincuenta varras y poniendo un a hugon tero este primero linea dise el nomenado abrabadaro nombro a el oriente yendo secta por las margines bayo del nomenado Rio Grande yecfando con quinandoz y ochenta y cuatro cordeladas el citado rio a un derram de el por el que in sus crecientos abartece de agua un tanque que quedo por la parte de arreba a distancia de sus cordeles cuyo derrame quedo por lindaro en donde le mando poner a mas señal figa al Demerciente Dn. Jose Salvador de la Garza, de Mojonera quedando en esta linea por la parte del sur algunas bolsas y saco dos que forman les vueltas del juro dicho Rio Grande que dijo el Agrimensor reconocien despus de finalisadas las demas hineas para encluia en el entaro de los sitios las que pudiesa hacer en dichos vueltas y recodos; y conclusa esta linea hasta dicho parage del derramer la jura por delegarcia que firmaron por ante mi y de testigos de asistencia un dicho Agrimensor é interesado, y demas que superior de las Colindantes y asa mes lecinos actuando por receptorie como dicho es de tado doy fée.

JUAN ANTONIO DE EHAVE,
MANUEL DE SIERALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSA SALVADOR DE LA GARZA,
PADRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME TREVINO.

De asistencie—JOSE BENITO LOPEZ.
De asistencie—JOSE RAFAEL LOPEZ.

En dicho parrage del derramo del Rio en donde finalico la primara linea otra tres de dicho mes y año ante mi testigos y demas sugetas dicho agrimensor midio el cordel dandole como la rio cincuente varas con la nominado de media puños de castilla segemas y como el dia

anterior y poniendo el abujon tiro este segunde linea recta el norte, y ales doscientos diez cordeladas yegamos ala cabacera de una Laguna de les de la mar sin otra que se vieron cerca rumbo a el oriente, y habiendo descabesado este primera y barios que selo seguen por estos pindientes unas y otros siquiende siempre el norte entro el cordel por una bolse ó potresillo qu he con dichas Lagunes quedando estes por el poniente y oriente haste yegan a las lagunas madres que se forman del arroyo Colorado y en lez que embierte y derrama sus aguas quedando muy adentro de esta lines como mas de una legua un paraje poblado con jacales y corrales nombrado San Juan del retiro en el que habitar algunos baqueros sirbientes del predicho D'n Josa Sabadera de la Garze; y no habiendo mas tiene por habia yegado a dichos Lagunas Madres y no habia pera aubelonte mu que oqua alcanso esta segunda linea a novientos novente y tres cordele tedo ella habiendose en su transito remedido el cordel repetidas ocacionos como un tambien se efectuo en la primera todo lo qual pongo por diligencie que firmaron Agrimensor centerasad y demas acompañados que suprisor por ante me y testigas con quin actuo como referido es de todo day fée.

JUAN ANTONIO ECHAVE,
MANUEL DE SIERRALTO,
JUAN JOSE DE LA GARZE FALCON,
JOSE SALVADOR DE LA GARZE,
PADRO VILLAREAL,
JOSE ANTONIO DE LE GARZE FALCON,
BARTOLOME TREVINO.

De asistencia—Benito Lopez.
De asistencia—Jose Rafael Lopez.

En el parage á las orillas del arroyo colorado en donde camiensa y abse sus Lagunas Madres al que yegamos rodeando y aun pisando al aqua delas que tragamos al poniente con la segunde lione cuando entramos por ella en la bolsa á Potrecello citado que asi quedo' por lindaro con señal que se la puso, y al mismo tiempo en dicho parage se puso atra donde camenco esta tercera linea por medias de mes á otro intonados al potrero del Espirito Santo parte de ellas lo cual movio á que con se ejecutarse por el ningun paso que ofrecion en cuyo sitio ante mi testigos de denunciente y demas ya referidos el citado Agrimensor midior nuevamote se cordel al que dadio concuenta varas de hasta á huste con la misma ya dicha y poniendo el abregon comenoso esta tercera linea por las ningun de dicho arroyo arriba nembo á el poniente y a los trescientas nueve cordeses reconocio dicho Agrimendor se le metio' el citado arroyo rumbo al Sus como atravesando el Potrero del Espiritu Santo por lo que sequendo dicho rumbo del Sur como permito dicho arroyo siempre á sus margenes en distancio de cun cordales yo no se pudo sequia linea alguna asi por estan inundado de un Laguna grande y arroyuelos resacas del Colorado en el que desaguaban como tambien gro un espeso Monte

intrancitable que esta unido con dicho arroyo Colorado y Lagunas que totalmente embarrio el piso de estu linea paro por los proitos é intelegente en el conociminto d lase vueltas que hace dicho arroyo decla raron que mas adelante de donde ya no pudimos sequia se abu el citado arroyo otra ves para el poniente á cuya linea se combino el Agrimensor con dichas peritos con la parle interasado en que debea tenor y tenia las mismas de largo que la linea frontera del Rio Grande que son queinientos ochenta y cuatro cordeles respecte de camena la segunda linea de las Lagunos de sur a Norte y por la vista de ojas corresponderle ala cuarta de Norte a Sur como la manifiesta la cerca que en ella delie, y por dicho tanteo de le mando a la parte interesada primera señal que division de Mojonera cuyo diligencia firma con todos las correspondientes y que supieror por ante mi y testigos con quienes actuo por receptoria como es dicho de todo doy fée.

JUAN ANTONIO EL ECHAVE,
MANUEL SIERRALTO,
JOSE SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
PADRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BERTOLOME DE TREVINO.

De asistancia—JOSE RAFAEL LOPEZ.
De asistancia—JOSE BENITO LOPEZ.

En el citado parage del monte y Laguna que impidiaron le tercera linea anterior como esta dicho que se concluyó en el dia siete de dicho mes y año; siguese la cuarta linea que se ejecutó en el dia ocho sobrecuente del presente dich mes cuya ultima linea asi mismo fué imposible seguide con el cordel por lo inpenetrable del monte Lagunas y resacas que entrelyodas con dicha espesura lo embarresaron por á tanto vuelta álo mes de dicha ultima linea, pero por los paritas é inteligentes que acompañaban linieron contestes que ocuparia dicha imposibilidad correspondiente ála referida linea la distancia de cinco Leguas, en que se combino la parte hesta salir como salimos ála cerca que por este frente en lo sero tiene fabricada en cuyo sitio midió el cordel el espresado Agrimensor, y dandole los cincuenta varras Castillanas puso el abregon y reconocio que dicha cerca conce de norte á sur y seguiendo á este rumbo se yego con doscientos veinte y cinco cordeles al abrebadaro por donde comenso esta medida del Rio Grande del norte con lo que quado cerrada; que yuntas dichos doscientos veinte y cinco cordeles con las cinco leguas de monte y aqua componen la cantidad el seiscientos veinte y cinco cordeles; y habiendo que para este hecho registro dicho Agrimensor de las vueltas y recodaz que forma el referido Rio Grande pertenecientos ála primara linea declaro que en estos y hajo de las cuatro dichas lineas se contienen cincuenta y nueva sitios de ganado mayor once y media cabecyerios de tina á fabor de su Magestad segun su inteligencia en este corte de media con satificasion

del juremente que tiene facho; tado lo mal ponga por deligencia pa anti mi y testigas de asistancia presentes los sujetoz ya mencionadas que firmaron por lo que á cada uno toca y por las que no supiaron hisselo yo dicho veniente justicia de la villa de Camargo y Juez comicionada en esta causa actuando por receptoria como dicho es doy fée.

JUAN ANTONIE DE ECHAVE,
MANUEL DE SIERALTO,
SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVIÑO,
JOSE ANTONIO DE LA GARZA FALCON.

De Asistancie—JOSE RAFAEL LOPEZ,
De Asistancie—JOSE BENITO LOPEZ.

Y sin embargo de haber contradicho dos de los calindente respecto á no haber formalisado sus contradiciones inmanifestados sus titulos procedio el justicia comisario á dar los pregones prevenedos por derecho y señaldem dia para el remate se celebró este en la forma que signe.

En esta dicha Villa de Santa Ana de Camargo á los veinte y dos dias de este presente mes y año pregon para el remate: yo dicho Juez comicionado mande tocar la caja en el mismo paraja despues Misa mayor; y a nos de pargonero empase á dar pargonos de remate ante el Sor. Capitan el Reverendo Padre ministro de este Villa varios vecinos y Don Jose Salvador de la Garza, y sisto he yegado la hora en que es y ha sido regulaso pera diche remate, mande dar por ultimo pregon y no tienes guion pegasa á mas de los veinte pasos que tiene puesta Don Jose Salvador de la Garza en quien se remató dicho Agostadaro con doce pregones que de á repeti en este mismo dia del remate y en ya buena pro la haga a Don Jose Salvador de la Garza quien firmo conmigo y los de mi asistancia con quienes actuo por receptoria que doy fée.

JUAN ANTONIO DE ECHAVE.
JOSE SALVADOR DE LA GARZA.

De asistancie—JOSE BENITO LOPEZ.
De asistancie—JOSE RAFAEL LOPEZ.

En la espresado Villo dia dicho mes y año ante mi dicho veniente visto finalisados entermente los treinte diaz a pregon por dia que se me manda dar en este superior despacho y el que señata para su remate quedo conforme dicho Dn. Jose Salvador de la Garza por cuyo habiendose conformado y acceptado dicho Potraro ante el Sor. Capitan Dn. Jose Antonio de la Garza Falcon, el R. P. Ministro de esta Villa Fray Francisco Villuendos el Rejidor de primar voto Dn. Miguel Chapa, el Procurador Don Augustin de la Garza, y otros vecinos, que se heyaron presentes, y para que en tedo tiempo consta pongo este diligencie, que firmo con migo dicho Don Jose Salvador

de la Garza con los de mi asistancie actuendo por receptoria que de todo doy fée.

JUAN ANTONIO ECHAVE.
JOSE SALVADOR DE LA GARZA.

De asistancie—JOSE BENITO LOPEZ.
De asistancie—JOSE RAFAEL LOPEZ.

Y remetidos las diligencias produjo el escrito del tenor sequiente.

Baltazar de Vidaurre por Don Jose Salvador de la Garza vaceno de la Villa de Camargo en la colonie del nueva Santander en los antos sobre el denuncio de Tierras á que puso por nombre del Espiritu Santo, segun el escrito de fajas secenta y siste cuaderno, segundo como myor proceda por derecho dijo, que hasciendose librado despacho para que se practicaron las diligencis del Arcodado para la abjudicacion y remate de sus tierras se practicaron todos po el Teniente de justicia de dicho Villa de Camargo segun instruye el cuaderno con que dio cuenta sin haber habido otros contradicionos que los de Don Bartolome Ferdandes colindante por le parte de la entrada de Potrero por lo tocante ála cuarta y ultima linea por haber sentados que con ella sale atravesaba y crusaba una de los de un tierras, que si interesabe por hacie el oriente de dicho Potrero hasta una noria sua que se la pidieron los titulos no los manifesté, pero se le señalaron tres meses de termino corrientes desele primaro de Setiembre del año procsimo pasado para que ocurriere a mejoran su contradicion en este Jusgado privativo y no habiendole facho le acino rebeldia en forma fajas cincuente y dos. Por lo tocante el remate de los sitios y caballerias deno poner presente d V. Señoria que se babraron a dos pasos, y á real cada caballeria pero como mi porte há sufrido tanta contradicions, como combenson los antos y sus contrariver concieron la necesidad que tenia de los tierra por hayorse acentado en ellos sus ganados citados y aquerenciados por me efecto de malignidad y de hacerle perjuicio como informa el Teniente le pujaron los citios hasta veinte pasos. Este es una desproporcion estraordinaro por que alendiendo el pracio del abahio, que fueron dos pasos, son nueve partes mes las que le hicieron ofracer del precio justo y en estos terminos no es trato vender m en las Almonadas, pres en ella ne se puede pasar del precio supremo y mes cuando enterviene mala fé, y espiritu de hacer perjuicio el que compra con necesidad como sucedio en el presente Caso. Por este suplico a V. S. que serviendor aprovar las diliginceas practicados y el remate celebrado en mi parte se sirve igualmente moderar el precio á lo yuste que sora lo que estimarse su prudente arbitrio, y de no tener esto lugar (lo que no se espara) habra mi parte de entoras exestraclado de la necesidad á rason de veinte posos por los sitios y del real por los cabellereas que son once y media y cincuenta y nueve sitios para que oportunimente se le libre el recado necesario que le sirva de titulo en cuya virtud se le pueda entraron posesion de los tierras de le pidiese. Y en cuyos tirmenes y dandose vista á el Abogado Fis-

cal. A. V. S. suplico se sirves prover como refiero juro en forma lo necesario &a.

DOCTOR MANUEL DE GARISNAIN ARONGUTI.
BALTASAR D. VIDARME.

Mexico dies y Siete de Fedio de mil setecientes ochenta.—Al Abogado Fiscal proveido el Señor oidor Juez Probativo y lo rubrico.—Señalado con une rubrica.—Ante mi Jose de Montulon Escribano Real y de Provincia. El Abogado Fiscal en Vista de estos autos el denuncia hacho por Don Jose Salvador de la Garza del Potrero que nombran del Espiritu Santo en la Colonia del Nueva Santander.—Dice en que en virtud del segundo Despacho que se libro para las deligencia del Acordado, se recibiero en el cuaderno—quinto los informacione de parte y de oficio por las que resulto su realenga le tierra y publicande la denuncia en la foge treinta y une de procedio á la vista de ojos, y medida en la que se reconocio comprehenden el Potrero cincuenta y nueve citios de ganado mayor que tasaron á dos pasos con mas once canagerias y media apreciádas á real por cuyas precias mio portura el denunciante y dandose los pregones salio otro tercaro que hiso el remate al propio denunciante sin que hubiere defecte de concideracion en las dichas diligencies respecto de que nada importa el habarse publicado la denuncia despues de dadas les informaciones y aunque a estes no precedio la citacion de las circumbecinas por les distancias de su habitaciones se las hiso ya que estaban recibidas pesa la vista de ojos y medide á que comencicaron segun la foja treinte y tres vuelta las siguientes.—Lo que ocurso mas notable es la contradicion que hiso Don Bartolome Fernandez en la faja cuarenta diciendo que con las linea que habian hechado de Norte a Sur se la tomasa alguna tierra por deber yega la suya horti una noria seca, que se regulo por lindaro en los medidos que se habian hecho á fabor de Don Narciso Cabasos paro notificando liola fuelta que manifestan sus titulos respondio que hayaban en este jusgado por lo que se asignaron segun la foja cincuenta desde primero de Setiembre del año passado para ocurso a este Jusgado a mejoran su contradicion, le que no ha ejecutado en mas de dios que se cuentan desde entonces. A en se uñade que los diligencia y medidas que se hiciaron a pediento de Don Narciso Cabasos son las que dar principio a el cuaderno primero de estos autos donde se ve que á la faga treinte coniaron hasta abajo de el abredaden de Don Eugenio y Don Bartolome Fernandez y estar se desaprobason por V'Señoria en la foja cincuenta y mesa vuelta por haber resultado que el Potrero lo habia poblado el denunciente Don Jose Salvador de la Garza desde el año de setecientos setenta y uno y la habia denunciado en el de setenta y dos ante el Teniente General de la Colansa, y que á su animo ó con consentimiente se la habian agragado *ó habicor agregado* metido sus ganodo otros varios entre los cuales uno fue el es presado Cabessos que no obstante eso vino á denuncion casi todo el Potrero dandole el nombre de Santa Rita y practicados le diligencia del Acordado huno de hacer ocurio de De-

nunciante y se calificaron por enutiles mandando los hecer nuevamente a favor de Don Jose Salvador de la Garze que hebia poblado y denuncia de primero de donde reentra que las medidos hechos á pedemento de Cabasos, no le aprovecharar á este ni á Fernandes que no ha mostrado otra titulo y mas cuando se infiere que tambien entró al arrieno del Denunciante a de algunos de aquella, á quienes los concedio el primero de que introdugsion sus ganados. Asi mismo se debe notar, que el abalno de los sitios fue el de dos pasos, por cada uno, y que por los pujas se le remataron el denunciante a rason de veinte pasos: por lo cual pide se madere el precio ido que estimarse justo et prudente arbitaria de V'Senoria, bien que en caro de no tenor lugar, espresa que habia de entren el todo estrechado de la necesidad y en este priente lo que se haya es que en la foja cincunta y cinco del cuaderno quinte informa el comisario que los vecinos de la villa de Reynosa, por hacerlo mal á el Denunciante fueron adelantando el precio hasta los veinte pasos—tambien se reconoce por el cuaderno primero desde la foja cincuenta y ocho vuelta y seguientes que los dichos vecinos movidas desde luego por Don Narciso Cabasos se opurvison en la foja setente y cuatro a que las tienes se adjudicaron á Garza y coludidas a lo que se deja percilia con el Teniente de la dicha villa la estubieron impidiendo la practica de las diligencias del acordado hasta que se libró segunda despacho cometiendo los á el justicia de Camargo.

Ygualmente ocurre que mando se hicicaron los primeros diligencias a pedimento de Cabasos, se apreció cada sitio de ganado mayor a doce reales en la foja treinta y cuatro nuetra cuaderno primero a que deve a media el Abogado Fiscal osando de le buena fé que es propia de su oficio que en las diligencias que se hacen en las provincias internas y parajes rematos commeniente rienen a haluados los sitios de ganado mayor a estos precias de doce reales y dos pasos, ó de tres ó cuatro pasos y algunas ocaciones á paso; y que en antos que estan en su poder de agostadero de carrisitos en la propia jurisdicione se tasaron á dos pasos, y en otros que esta despachando de las tierras que medior entre las Villas de Reynosa y San Fernando denunciado por Don Antonio de Vrizan se lino el abaluo á cuatro pasos por lo cual el Abogado Fiscal no se apone á que teniendole V. Señoria por correspondiente; se modere el precio á la cantidad que advitrase justa. En atencion á todo se hase servia V. Señoria de aprovar las diligencies practicadas, adjudicandole ó haciendole merced: por via de venta el Denunciante Dn. Jose Salvador de la Garza de los cincuenta y nueve sitios de ganado mayor, y once caballerias y media de Potrero del Espiritu Santo bajo los lindaros que espresaron las medidas y mandando que entesada la cantidad que imposto el remate ó aquello á que su justificacion la moderase y pagada la media anata se de cuenta ála Real Audencia con los autos para la confirmacion se fuere de su superior agrado, y que debueltos que sean se despache el Titulo correspondiente. Mejico y Julio veinte y dos de mil Setecientos ochenta.

LICENCIADO MARTIN DE ARAMBURU.

Mexico veinte y nueve de Julio de mil setecientos ochenta; autos y vistos con lo pedido por el Abogado Fiscal apruebo las diligencias practicadas y hago adjudicacion, y merced por via de venta á Don Jose Salvador de la Garze de los cincuente y nueve sitios de ganado mayor, y once caballerias de tierra bajo los lindaros que espresan las mededas. Y en atencion a las circumstancias del negocio y mala versacion de las pujas que hicieron por conocerse haba sido con animo de perjudican el denunciente respecte á la radicacion que tiene de sus bienes en el Potrero del Espiritu Santo, constando como consta en esta jusgado por diversos espedientes que en el se hayarse, estar abalorados y rematados la sitios de ganado mayor en aquellos parajes los que mas á cuatro pasos. Tengo á bien el moderar el precio de los veinte pasos á el de ocho pasos en que se verifica cuatriplicado el del abaluo de estos sitios enterandose en la real baja de este Coste los cuatrocientos setente y dos pasos de su importe con mas tos once reales de las once caballerias y su media creneata se pasaran estos antos á la Real Audiencia á efecto de la confirmacion de esta merced, y debueltos que sean se dara cuenta para la espedicion del Titulos ó lo que corresponda. Provicolo el Sor. Don Francisco Xabiera de Gamboa del consejo de su majestad, en oillor en la Real Audiencia a esta Nueve Epaña y Juez privativo de ventas y composiciones de tierras y aguas valdias ó realengas y le firmo.

GAMBOA.

Ante mi Jose de Montalvan, Escribano real y de provincia.

Sous oficiales Realos de la Real Haciendas y caja de este Coste Sirvance Vms. de mandar recibia cuatrocientos setente y tres pasos tres reales en que el Sor. Don Francisco Xabica de Gamboa como Juez privatio de Tierra y aqua valdias ó realengos ha hecho adjudicacion y merced por via de venta á Don Jose Salvador de la Garza de cincuente y nueve sitios de ganado mayor y once cabagerios de tierra en tirmenos de la colonia del Nuevo Santander jurisdicion del Nueve Reyne de Leon y este cantidad estara por cuenta aparte con rason de lo que procede para su remain a España en la forma accostumbrada devolviendose este villete glasado para que costa en los autos de la materia. Mejico veinte y nueve de Julio de mil setecientos ochenta.

JOSÉ DE MONTALVAN,
Escribano Real y de Provincia.

Asentado á fojas doscientos cuarente y dos de libro de villetos en tres de Agosto de mil setecientos ochente. GUERRERO.

En tres de Agosto de mil setecientos ochenta de enteraron en este real caja los cuatrocientos setenta y tres pasos tres lomines que refiere este villete.

MESIA,
CARRILLO.

En tres de Agosto de mil setecienta ochenta Don Jose Salvador de la Garza aquiese el Sor. Juez privativo de Tierras hiso adjudicacion y merced por via de venta de cincuenta y nueve sitios de ganado

mayor y once cabayerias en terminos de la Colonia de Nueve Santander entero en reales de este Corte once pesos sin tomines, y ocho granos que causó el real derecho de media amala deducedos de la mitad de lo que al cinco por ciento rente la cantidad de cuatrocientos setenta y tres pasos tres tomines con que he servido segura comta del Villete que glosado de oficiel y reales guda en este contradicion general del espresado real deracho de mi cargo. En certificacion de lo qual, y para que comte donde Combinga doy la presente en Mejico dicho dia mes y año.

LORENZO DE ANOCETO Y GARSE.

Muy Poderoso Sor.—Lo unico que puedo encontrarse como embarero para que la merced y venta de las tierras del Potrero del Espiritu Santo merced la superior confirmacion y aprovacion de V. A. es el no haberse vido hasta hora a Don Bartolome Fernandes sobre la contradicion que hiso en custo parage de ellas, y asimismo no haberse norificado la venta y remate por el precio de los veinte pasos que ofrecio el pastor Don Jose de la Garze por cado sitio reduciendose por nuestro Juez privativo á el de ocho pasos que la parecio su juste y verdadaro velar, y en cuanto á lo primero se ha de suponea que el dicho Don Bartolome Fernandez aun siendo regerido no resibio en manifeste los Titulos, en cuya virtud hacia su contradicion, lo que persuade que esta tan salo se funda en las diligencias y medidas practicados á pidimente de Don Jose Narsiso Cabasos las cuales cono que se desaprobaron y dicaron por mulas, no pueden atribuirle ningun derecho, y este junto con el hecho de su haber ocurrido al jusgado privitivo, se en los tres masos que se le pusireon de termino ni en los otros siete que han corredo de mas induce una gravisima presuncion de que aquella su contradicion fué maliciosa ó informada y deducida con el fin de embaraser y de moral la resolucion con perjuicio no solo de Don José de la Garza sino es tambien de la Real Hacienda á que es consequente que no haga de apreciorarse en atendar para que con respecto á ella se derrose á suspenda la confirmacion. Y en cuente cile que es la vaga y moderacion del precio de los sitios heche por nuestro Juez Privativo aunque por una parte se hade considerar que el motivo de haberse ye gado á verificar el remate de dichos sitios hasta la cantidad de veinte pasos fué el do haber sufrido Don Salvador de la Garza tantas contradiciones, y habia conocido sus contrarios la necesidad que tinea de lus tierras por hayase asentados en ellas sus gannados de sueste que asegurados por esto de que Garza, no separasia en el precio po nai efecto de malignidad y hacerle parjurio, coma informa el Teniente la pageron los sitios hasta veinte pasos, para por otra tambien á de atender que para la primera postura de diez pasos no pruede decian que intervino en esto fraude por que respecte de las das pasos en que se abaluasan las sitios no es tan desproporcionada la dicha postera, y mas cuando segun informa el Abogado Fiscal, y supone el citado ante de vuentro Juez privativo en eyellas provincia regularmente velas los sitios dos tres ó cuatro pasos de cuya cantidad ne es tanto

la distancia que hay á la de dies pasos que pueda de cion que esede de lo justo mayormente si se refleja en que las cosas tanto velener, cuanto pueden vendorse; con cuya consideracion le parcie al Fiscal que seria correspondiente el maderar y reducia la cantidad de los veinte pasos en que se verificó el remate á la de dies pasos en que esta el medio y se hiso la primera postura: Por lo cual se servise V. A. si fuese de su superior agrado de confirman y aprovesor la merced y venta hecha po el Jusgado Privativo á Don Jose de la Garza de las tierras del Potrero nombrado el Espiritu Santo bajo los terminos y lindaros que espresan les medidas, con calidad de que haya de ceribie y entesar los otros dos pasos respectivos á cada sitio moderado su precio á el de dies devolviendose tos antos al dicho jusgado para que verificade el referido entero de le espeda el Titulo correspondiente. Mejico y Octubre veinte y uno de mil setecientos ochenta. Marero. Mejico y Diciembre once de mil setecientos ochenta. Dese cuenta con las autas. Mejico Mayo dies y seis de mil setecientos ochenta y uno. Señores Rejente Villanaarntie. Asulo. Licenciado Tones.

En la ciudad de Mexico a dios y ocho de Julio de mil setecientos ochenta y uno los Sores. Precidente Rejente, y vidores de la Audiencia Real de la nueva España habiendo vesto los autos con que ha dado cuenta a estre Real Audiencia el oidor Don Francisco Xabica Gamboa, juez privativo de tierras y aquas sobre el denuncio ya hiso Don Jose Salvador de la Garza del potrero que nombran el Espiritu Santo en la colonia de lo brevo Santander, en que se comprehenden concuente y nueve sitios de ganado mayor y once caballerias de tierras, para que en ella se confirme la adjudicacion que es veinte nueve de Julio hiso el referido por via de venta de los erpresados sitios y caballerias de tierra modararde del precio de los veinte pasos á que asendieron los pujas que huvo á el de ocho pasos en el que se verificado cuatriplicado en el del abaho de dichos sitios por las rasones que esprese en su auto, vistos asimismo las diligencias que para dicha adjudicacion se practicaron de arden del espresado ministro y lo pido por el Fiscal de su Majestad en repuesta de veinte y nueve de Octubre del mismo año de ochente con lo demas que combino. Dijeron que confirmeron y confirmaron la meced heha por via de vente por el referido Juez privativo de tierras á Don Jose Salvador de la Garza, de los sitios y caballerias que comprende su decreto de veintenueve de Julio del año procimo pasado con calidad de que el precio de cada uno de ellos hade coruna raison de diez pasos, y en su consecuencia he de escribia y enterar lo que a este respecto falta para completar su importe como tambien la cantidad de cien pasos de service á su Magestad por la gracia de que se hace en relevarlo de acudor por la confirmacion á su real persona en forma de lo prevenido en real cedula de quince de Octubre de mil setecientos cincuente y cuatro Y asimismo mandaron y mandaran que para el puntual cuplimiento de tedo se devuelvar las de la materia al espresado jusquo de tierras y asi lo provajaron y rubrica son los

Sors. Regente, Villaarmtia. Asedo. Luyando. Jose Mariano Villaseca. Concuerda con original a que me remito doy fé. Jose Mariano Villasacar.

Sors. oficiales reales de la Real Haciendo y caja de este corte. Sirvanse V. M. S. de mandar recibia de la parte de Don Salvador de la Garza ciento diez y ocho pasos por rason de dos mas en cada sitio de cincuenta y nueve de ganado mayor que el S'or Don Francisco Xabica de Gamboa, como Juez Privativo de Tierras, y aquas le hiso adjudicacion y merced por via de venta en la colonia del Nuevo Santander y se previene asi por la Real Audiencia á igualmente cien pasos que dicho Real *Real* Tribunal ha señalado por la gracia de la confirmacion. Y esta cantidad estara para cuenta aparte con rason de lo que procede para su remicion á España en la forma acostumbrada devolviendose este Villette glosado para que comte en los autos de la materia. Mejico doce du Setiembre de mil setecientos ochente y uno. José de Montalvan, Escribano Real y de Provincia.

Asentado á fojas cinto setenta y tres vuelta del libro de Villette en trece de Setiembre de mil setecientos ochenta y uno.

BARRANDEGNEL.

En trece de Setiembre de mil setecientos ochenta y uno de enteraron en estas reales cajas los doscientos diez y ocho pasos contenidos en este Villete.

MERIA,
CASRILLO.

En trece de Setiembre de mil setecientos ochenta y un años Don Salvador de la Garza á quien la Real Audiencia de esta capital le confirmá la Merced que el Sor. Don Francisco Xabia de Gamboa como Jues Privativo de tierras le hiso de cincuenta y nueve sitios de ella en terminos de la colonia del Nuevo Santander mandando cesibirse dos pasos mas por cada sitio del precio en que se le mercano, entero en Reales cajas de este Corte diez y seis pasos cinco tomines nueve ganados que causó el real derecho de media remata en esta forme dos pasos siete tominos tres ganados como midia de lo que al cinco por ciento renta en su año la cantidad de cunto diez y ocho por que mantan los dos pasos aumentados al valor de las tierras y lo restrantes trece pasos sin tomias seis granos por la gracia de la confirmacion ; segun manifieste el Villete que glosado de oficiales reales quada en esta Contaduria gral de mi cargo.

En certificacion de lo cual, y para que conste donde comborga doy la presente en Mejico dicho dia mes y año. Poranciencia del contador.

DIEGO DE COBARRUBIAS.

En vista del auto de los Señores Presidente Regente y Oidores de la Real Audiencia por decrete que por via el dia diez del corriente delive se espedia el presente por el mal resando de las Facultades que mi son conferides por la real cedula y costancia de quince de Octubre de setecientos cincuenta y cuatro delaro que Don Jose Salvador de la Garza complió con lo mando en ella y en nombre de su Magistad (Dios le guarde) y sin perjuicio de tercero ó comunidad de

Indios le admito á composicion hayo adjudicacion y merced por via de venta de cincuenta y nueve sitios de ganado mayor y once caballerias de Tierra en terminar de la Colonia del Nueva Santander y no pro pasandose de sus linderos supto y desperio la falta de merced y titulas vicios y defectas con que las ha posido para que por este rason en otra alguna ne se le oblique a medidas o entrar en otra composicion ma coribicion de otro titulo por darribo como se lo doy amplio y bastante como lo hubiera menester para la propiedad de dichos tiene cuyos frutos gazen y de sus entradas saledas nos cosestumbers y servidumbres cuantes ha, y tine de fuero y de devecto eriptuarle ni recesbarle cosa alguna a dicho Don Jose Salvador ó á quien su causa hubiera y deracho representarse con cialdad de haberlas de poblan y cultivar de lo que necesitaren conforme a Ordenanzas del Reyno que de este tratan y de que si en algun tiempo se necesitarn el todo o parte de dichas tierras para alguna fundanian de fuerte villa o lugar lo que asi fuere lo hade dejon libre y desembarasado pagandole lo que ála rason valiera con cuyas calidades sean suyes y de sus herederos y sus erous habides y adquiridas con cuyo y presente. Y mando cila justicia de aquella provincia que cada y cuando lo pida el espresado Don Jose Salvador de la Garza le entre y de posicion de los espresadas tierras concitacion de los colindantes sin embargo de cualesquiere contradicion en causa despojo alguno y de la posecion que le diere no concienta el dicho Justicia su despojado sin su primero vido por fuero y derecho veniedo entregandole las deligencias que practicarse a continuacion de este titulo para en quardade su derecho. Mejico veinte y seis de Setiembre de mil setecientos ochenta y uno nos. Entre renglones: cincuenta y una. Valetachado: demostracion: quince: de Provincia; treinta y. No vale.

DON FRANCISCO XABIER DE GAMBOA.

Por mandado del Sas. oidor Juez Privativo.

JOSEPH DE MONTALVAN,
Escribano Real y de Provincia.

Derechos sesenta pasos con papel y lo escrito y no mas asi lo gusto. [Una rubrica.]

V. S. admite á compariciou hace Adjudicacion y merced por via de venta de cincuenta y nueve sitios de Ganado Mayor y once caballerios de tierra a Don Jose Salvador de la Garze en terminos de la colonia del Nuevo Santander respeto a haber anterado en la Real caja de esta Corte el importe de ellas, la gravia de la confirmacion y media unata y ue de le repute &a.

Mejico y Septiembre veinte y sin de mil setecientos ochenta y uno. Titulo de composicion adjudicacion y merced de cincuente y nueve sitios de ganado mayor y once caballerias mas de tierra hache por el Sor. Juez privativo de este reyno y confirmada por en Real Audiencia á favor de Don Jose Salvador de la Garze vecino de la Villa de Camargo en terminos de la colonia del Nuevo Santander, y Excelentisimo Señor Gobernador.

Espiritu Santo Grant. Translation.

Mexico, and September the twenty-sixth, one thousand seven hundred and eighty-one.

Title of sale, adjudication, and grant of fifty-nine sitios of Ganado Mayor and eleven Caballerias of land made by the Spanish judge of lands of this kingdom, and confirmed by the Royal Audience, in favor of Don Salvador de la Garza, resident citizen of the town of Camargo, within the limits of the Colony of Santander.

Testified to in the deposition of F. A. Blucher.

A. A. GELPIN, Com.

MARIA JOSEFA CAVASOS
vs.
WM. EVANS et als.

Filed, March 29th, 1859. F. J. PARKER, Clerk.

Don Francisco Xavier de Gamboa, of the council of his Majesty, his Oidor in this Royal Audience of this New Spain, and special Judge of sales and purchases of lands and waters in the district of the said Royal Audience, etc. Whereas proceedings were had before me, and in this my special tribunal, upon the application of Don Jose Narciso Cavazos, resident and original settler (poblador) of our Lady of Guadalupe de Reynosa, on the Gulf of Mexico, who asked to be permitted to purchase a Potrero, named Santa Rita, and after the usual order had been given to him, that the proceedings prescribed in it for the object of his claim, might be taken, Don Jose Salvador de la Gana, upon this opposed the said claim, declaring that the said lands were contained within the Potrero named, Espiritu Santo, which he had denounced in the year seventy-two, before the Lieutenant General of that Colony, who wanted him to apply to this tribunal, and he having done so by means of powers of attorney, which he gave, and full means for the prosecution of the business, he failed in obtaining the grant through the negligence of his attorneys. In consideration whereof, and of the proceedings had on the application of the said Cavasos, and what has been alleged on either side by an order of the twenty-sixth of November, in the past year, seventeen hundred and seventy-seven, I declared that the purchase of the place of Santa Rita claimed by Cavasos could not be admitted; and I ordered that a commission decree (despacho) be delivered to Don Jose Salvador de la Garza in conformity with the denunciation which he had heretofore made before the Lieutenant General of the Colony, and repeated in this tribunal, in order that the nearest justice (Teniente) might execute the proceedings prescribed in the order; in obedience to which the commandant of the town of Camargo proceeded to receive the following testimony (informacion).

In the town of Santa Anna de Camargo, on the aforesaid fifteenth day of the month of June, one thousand seven hundred and seventy-

nine, before me, Don Juan Antonio de Echave, holding this post of chief justice of the said town (Teniente de justicia mayor de decha villa), and commissioned as judge in these proceedings, and before my authenticating assisting witnesses, Don Jose Salvador de la Garza presented as his first witness, Don Salvador Vela, a resident citizen of the said town; and I administered to him in his proper person, which I certify I know, the oath which he took in full form, by God our Lord, and the sign of the holy cross, under which he declared he would speak the truth as to what he might know and should be asked; and, being interrogated as I have directed, he said that the Potrero, which he knows as that of Espiritu Santo, has as its boundaries and natural outlines (terminos y linderos) the Arroyo Colorado, the lagunes (lagunas) of the sea, the Rio Grande, and on the side of the entrance a thicket wood; that he knows that the first who settled the said Potrero was Don Jose Salvador de la Garza, who has had and still has possession of it, with various others, whom some, a considerable time afterwards, he permitted to settle as tenants at will or control (los puso a su anenio), it being above eight years since he settled it; that he knows that those lands are vacant and a part of the public domain (valdias y realengas), because he has no owner of them; that this is the truth upon the oath which he has taken; and this he confirmed and ratified: he said he was seventy-five years of age, and that the general prohibitions of the law of testifying in this case did not apply to him; and, as he did not know how to write, I, the aforesaid judge, did so for him, before me and my authenticating assisting witnesses, with whom I act as delegate judge (jues receptor); all of which I certify.

JUAN ANTONIO ECHAVE.

Assisting witness—Jose Lorenzo Trevino.
Assisting witness—Tomas Flores.

And immediately thereafter, on the same day, month, and year aforesaid, before me, the aforesaid judge, and my assisting witness in the present investigation, Don Jose Salvador de la Garza, offered as his second witness Juan Damacio Peres, a Spaniard, and resident citizen of the said town, and I administered to him in his proper person, which I certify I know, the oath which he took by God our Lord, and the sign of the cross, upon the faith whereof he declared he would state the truth in all that he might know and should be asked; and being interrogated, as has been named, he said: The party being present to see him take the oath, as in the preceding examination, that the potrero, which they call that of Espiritu Santo, has upon one side and is formed by (por un lado y tiene formado) the Rio Grande, lagunes of the sea, Arroyo Colorado, and a thick brush-wood (breñal espeso), or thicket, on the side of the entrance of the said potrero, in the centre of which it has some ponds when it rains, which soon dry up; that the first who undertook to cut through (entered by breaking through the thicket) was Don Jose Salvador de

la Garza, who proposed it, and still possesses it, with another whom he put there, allowed to settle under him, under his protection (a su arrimo metio) long after; that it must be something like eight or nine years since the said Don Jose Salvador has settled it; that he knows the said lands to be vacant, uncultivated lands, belonging to the public domain of the king, and that he has positively not known nor heard mention of any other person as having settled (poblado) the said lands; that this is the truth upon the oath that he taken; and confirming and ratifying it, he said that he was fifty years of age, and that the general prohibitions of the law do not apply to him; and as he also does not know how to write, I, the said judge, have done so before me and my assisting witnesses, acting under my delegated power (por receptoria), as before stated; which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness—JOSE LORENZO TREVINO.
Assisting witness—TOMAS FLORES.

In the town of our Lady Santa Anna de Camargo, on the sixteenth day of the said month and year before me, the above mentioned judge and assisting witnesses, Don Jose Salvador de la Garza, presented as his third witness, Don Juan Batista Garcia, a resident citizen of the said town, and I administered to him in his proper person, which I certify I know, the party being present, the oath which he took according to law, by God our Lord and the sign of the holy cross, upon which he declared he would state the truth as to what he might know and should be asked, and being interrogated as is required, he said: That he has known the Potrero which they now call that of Espirito Santo about twenty-six years, in expeditions undertaken against the savages, as one of the first settlers of this town, and that he has always known it as uncultivated, vacant land, belonging to the public domain of the crown, and that the arroyo, now known as the Colorado, forms it upon one side, the lagunes immediately communicating with the sea upon another, and on the third and southern side the Rio Grande, closing on the west with a thicket; that he knows as public and unanimously known notorious, that Don Jose Salvador de la Garza opened and broke through this thicket, making an entrance into it when he settled it, which must be eight or nine years ago, without any other person having done so before, and that he knows, and is sure, that he has supported, maintained there, under his care and protection, other persons whom he placed in it, after he had entered, stocked, and settled the said land, in which he has seen some fences and bars (trancas), which serve to close the entrance, all made by the said Don Jose Salvador de la Garza, who has enjoyed the same and kept in it his stock up to the present time, and that there are no permanent watering places besides the Rio Grande, that this is the truth upon the oath that he has taken, which he confirmed and ratified, and said, that he was seventy years of age, and that the general prohibitions of the law did

not apply to him, and that he does not know how to sign. I have signed with my assisting witnesses, with whom I act, as has been said, which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness—JOSE LORENZO TREVINO.
Assisting witness—TOMAS FLORES.

In the aforesaid town, and on the aforementioned day, month, and year, before me, and in this tribunal, and before the assisting witnesses, the party presented as his fourth witness for the present examination, Don Lorenza Serna, a resident citizen of this town, and I administered to him, in his proper person, which I certify I know, the oath which he took in all form of law, by God our Lord and the sign of the cross, upon which he declared he would speak the truth as to all which he might know and should be asked, and after the party who was present to see him take the oath had retired, he said: That he is one of the first settlers of this town, and has known it for the period of thirty years, but on account of his having been a soldier, and for this reason having been assigned to various detachments from this province, he was never in those times with his companions at the Potrero, which is now called that of the Espirito Santo, but had on several occasions gone there himself, and knew it in consequence of having gone round the outside, where only pagan Indians were living, until Don Jose Salvador de la Garza, in the year seventy-one, invited him to accompany him and examine the said Potrero to see whether it offered any advantage for the protection of the stock (brenes) of the said Don Salvador; and accompanying him, they went together to examine it, and arriving at a thicket that was there, through which they perceived they could make their entrance practicable only so by means of hatchets and knives, notwithstanding the danger with which they were threatened from the Indians, and having entered, they saw the latter retiring, upon which they determined to go through the whole of the Potrero, in which they spent six days; that immediately after, the said Don Jose Salvador put in it his stock (bienes de campo), improving it (poblandole) with hacals (hacales) that he made, constructed fences and cattle pens (corrales), and that the place of his entrance may be recognized by the bars (trancas) in it, and thus he knows, by actual observation, that the said Potrero had not been settled by any other person before; that the said thicket, arroyo Colorado, lagunes of the sea, and Rio Grande, form it, that it is a barren tract of land, full in all parts of small streams and ponds, which the freshets and rise of the Rio Grande, arroyo Colorado, and lagunes of the sea, which inundate the said potrero, have made the men and animals there preserving themselves upon some elevated pieces of ground that it had, all which he has seen in passing over it afterwards on repeated occasions, whereby it became known to him that Jose Salvador de la Garza has conciliated and obtained the good will of those Indians by giving

them beeves to eat and clothing to wear, and conducting himself with them with such civility, kindness (urbanidad), that he has brought some of them, both men and women, into the bosom of our holy religion, and caused them to be married by our Holy Mother Church, so that he is well known to keep some of them in his own house, and he also knows that within the four years that the said potrero has been settled, he has placed in it under his protection some residents as well of this town as of that of Reynosa, and various others from further parts, who are now living in their respective settlements, by which he knows, and it is true, that the said potrero and its lands are vacant, and belong to the public domain of the crown; all which he declares by the questions which were put to him, and has confirmed and ratified it to be true upon the oath which he has taken; he said he was sixty years of age, or a little more or less, and did not know how to sign, and that the general prohibitions of the law did not apply to him. I the said justice (teniente) and commissioned judge (juez commissionado) have signed before me and my assisting witnesses, with whom I act, as has been said, all of which I certify.

JUAN ANTONIO ECHAVE.

Assisting witness—JOSE ANTONIO TREVINO.
Assisting witness—TOMAS FLORES.

In the said town, on the same day, month, year, before me, the aforesaid judge, commissioned for these proceedings, and my assisting witness, Don Jose Salvador de la Garza, presented in this tribunal as the fifth and last witness in this investigation, Don Jose Xavier Salinas, a resident citizen of this town, and I administered to him in his proper person, which I certify I know, the party being present, the oath which he took according to law by God our Lord, and the sign of the Holy Cross, upon which he declared he would state the truth as to all which he might know and should be asked, and, being interrogated as is prescribed, he said: That he is one of the first who settled and built this town, for doing which he passed, on many occasions at that time, along the outside of the said potrero, which is now called that of the Espiritu Santo, and that, although he was upon some of these occasions accompanied by others, he never determined, on account of the danger from the Indians, to enter and examine the said land, but that he knew that a creek (arrollo) known as the Colorado, Lagunes, towards the sea, the Rio Grande, and a dense thicket made and formed the said potrero, in which thicket only pagan Indians dwelt, and that it remained without being settled by any other person until in the year seventy-one; Don Jose Salvador de la Garza entered to settle it with his stock, and by building dwelling-houses, cattle-pens, and fences, that he made where he has remained without having ever been dispossessed of it, and still remains up to the present time; that he knows that something like four years afterwards he established (agrego) as well in the said potrero as in its immediate neighborhood, several other residents of

the towns of Reynosa and Camargo; that it is such a country, as is publicly known, that most or the whole of the potrero is covered with water by the freshets which often happen in the said Rio Grande, Arrollo Colorado, and Lagunes, as is confirmed by its being notorious; that the said Don Jose Salvador de la Garza was once surrounded by water (islado), and was not able to escape for some days, and this danger threatened him in such freshets with destruction to himself and also the loss of his stock property (bienes); that he has always known and considers the said potrero as vacant and belonging to the public domain of the crown; that this is the truth upon the oath that he has taken, which he confirmed and ratified; he said he was seventy-four years of age, and that the general prohibitions of the law did not apply to him, and this he has signed before me and assisting witness acting as an examining court (por receptoria) as above mentioned, all of which I certify.

JUAN ANTONIO DE ECHAVE.
FRANCISCO XAVIER SALINAS.

Assisting witness—JOSE ANTONIO TREVINO.
Assisting witness—TOMAS FLORES.

And this examination, which was taken officially, being completed they proceeded to the actual inspection (vista de ojos) in the following form:—

In the said estate (estancia) of the Espiritu Santo, on this the twenty-sixth day of the said month and year, I, the said judge, accompanied by my witness, and all those above named, who appeared in consequence of the citation made to them, taking as a guide Don Salvador Serna, on account of the complete acquaintance that he has and enjoys (que tiene y le asiste), enables him with the said potrero, in respect to the recesses, angles, bends, and elbows (rinconadas, bolsas, recodas), that, as we are informed, the Rio Grande del Norte, the Lagunes of the sea, and the Arrollo Colorado, which form it, makes the export as surveyor going likewise with us, went into the field to begin, as I did begin, the actual inspection (vista de ojos) of the aforesaid land, and the places which surround it, water holes, and the nature of the grounds (terreno); and for proof, and in testimony thereof, I have made this official statement (lo puse por diligencia), which I have signed before myself and my assisting witnesses with whom I act, as a delegate judge (jues receptor), all of which I certify.

JUAN ANTONIO ECHAVE.

Assisting witness—JOSE RAFAEL LOPES.
Assisting witness—JOSE BENITO LOPES.

In the aforesaid estate, in the thirtieth day of the said month and year, I, the aforesaid judge, having terminated the actual inspection of these lands of Espiritu Santo, which was done in corporation company with the appointed surveyor, Don Manuel de Sierraalta, and

other persons already mentioned, he recognized the course of its lines, the centre, and the nature of the grounds, which is only fit for grazing land (eriaso), on account of the many breaks and sloughs (derrames) which it contains, as well as the many expanded and large ponds which surround, and prove that the most or the whole of the potreros is inundated by them in the freshets of the said Rio Grande and arrollo Colorado, especially since from those last issue the said ponds and lakes, the latter being formed equally by the high tides of the sea, so that when they unite, the danger before spoken of is apparent, (I mean) that of being drowned, with no chance of escape except upon some small eminences that the said potrero has, or by the people going in canoes to dry land (terra firma) at a great distance, as the water extends on these occasions as from upon one side as the other, from the river and from the arrollo, so that the most of the said ground of this potrero is only covered with a kind of grass called sacaguito, not at all fit to be eaten by any animal, as is known by experience, it being an herb, which usually grows upon salt marshes near the coast of the sea, and the said potrero contains no permanent watering place, except the Rio Grande, and, when it rains, some pools, which dry up in a short time, this also happening with the said ponds (esteros), and then the waters of the Arrollo Colorado, on account of their brackish and bitter nature, are like those of the sea, on which account it is only useful as regards horses and all other stock by the security and protection which is afforded on account of the said potrero not having but one entrance and exit through the dense thicket which runs across it from the Arrollo Colorado to the Rio Grande, all of which I set down in this official statement (pongo por diligencia), signing it before me and the rest of those cited and present, who have learned the same facts, and the surveyor, acting under my delegated power, as has been said, all of which I certify.

JUAN ANTONIO ECHAVE,
MANUEL DE SIERAALTA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA.

Assisting witness—JOSE BENITO LOPEZ.
Assisting witness—JOSE RAFAEL LOPES.

In the said estate named Espirito Santo, on the first day of the month of July of the aforesaid year, I, the aforesaid judge, in consideration of the actual inspection (vista de ojos) of the said potrero being completed, and inasmuch as no opposing circumstances has been raised by it to impede or embarrass the survey and examination (reconocimiento) of the lands, as is ordered to me, in consequence thereof it is my duty to order, and I do order, to pass to its

execution, and it must begin from a watering-place (abruadero) that there is on the Rio Grande, where it forms a corner with the fence which runs to this place from north to the south, which is the line of the thicket, which extends from the Arrollo Colorado in the same direction; and for its proper effects I set it down in this official statement, before me and the witnesses with whom I act, under delegated power, as has been said, which I certify.

JUAN ANTONIO DE ECHAVE.

Assisting witness—JOSE RAFAEL LOPEZ.
Assisting witness—JOSE BENITO LOPEZ.

At the watering place above mentioned, of the Rio Grande del Norte, being in it on the second day of the said month and year, I, the aforesaid Judge, accompanied by assisting witnesses, adjoining proprietors and neighbors (colindantes y circunbecinos), living as well within as without the said potrero, who are the same, since there are no others, than those already named for the actual inspection. I ordered Don Manuel de Sierralta, the surveyor appointed and sworn in due form for this survey, to begin to exercise his office, and he, before me, the witness, and the other persons present as aforesaid, took a staff of the usual length, and attaching to it one of the ends of the measuring cord (cordel) prepared for this purpose, measured away from the said staff and gave the cord fifty varas in length, the vara being that used for measuring cloth in Castile, and the one customary in this province of New Santander, and having measured off the said fifty varas, he attached the said cord, at the place where they ended, to another staff of the same size, so that between both these were only measured the said fifty varas, and setting a compass, he ranged this first line from the aforesaid watering place, course east, going in a straight line along the banks of the said Rio Grande, down the stream, arriving with five hundred and eighty-four "cordeladas" (measures of fifty varas each), at the aforesaid river, at a slough (derrame) from it, by which, in its freshets, it supplies with water a tank (tanque), which was left lay above (que quedo por la parte de arriba), bore up stream at a distance of six cordeles, which slough was left as a natural landmark (por Lindero), in which place I ordered the denunciant, Don Jose Salvador de la Garza, to establish a further fixed mark (mas siñal fija), as a monument (mojonera), there remaining on this line, towards the south, some recesses and elbows (bolsas y recodos), which the lands of above mentioned Rio Grande formed, that the surveyor said he would notice after completing the other lines, in order to include in the entire amount of the square leagues (sitios), those which might be in the said bends and elbows, and this line being concluded up to the said place of the slough, I have set it down in this official statement, which as well the said surveyor and interested party, as the rest of the adjoining proprietors and neighbors, who were knowing to the

facts, have signed before me and the assisting witnesses, acting under my delegated power as has been said, all of which I certify.

JUAN ANTONIO DE ECHAVE,
MANUEL DE SIERRAALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,
BARTOLOME TREVINO.

Assisting witness—JOSE BENITO LOPES.
Assisting witness—JOSE RAFAEL LOPES.

In the said place of the slough of the river, in which ended the first line, on the third day of the said month and year, before me, the witnesses, and the other persons, the said surveyor measured the surveying cord, making it, as he had made it, fifty varas in length, by the aforementioned vara for measuring cloth in Castile, as upon the foregoing day, and setting the compass, he ran this second line straight to the north, and at two hundred and six cordelades, we came to the head of one of the lagunes of the sea, besides others that were seen to the east, and having gone round the head of this first one and various others that succeeded, communicating with each other, following always the north course, the surveying cord came into a little pocket or meadow which the said lagunes make, these laying on the west and east until they reach "Lagunes Madres," which are formed by the Arrollo Colorado, and in which its waters empty and flow, there being far within this line, something more than a league, a place improved (poblado), with hacals (hacales) and cattle pens, named San Juan del Retiro, where are living some herdsmen (vagruras), servants of the aforesaid Don Jose Salvador de la Garza, and there being no more land, on account of our having reached the said Lagunas Madres, and having nothing before us but water, the second line amounted to nine hundred and ninety-three cordeles in the whole, the cord having been measured over again several times in the distance, ran as was also done on the first day, all of which I set down in this official statement, which the surveyor and interested party, and the others who accompanied us and were knowing to the facts, have signed before me and the witness with whom I act, as has been stated, all of which I certify.

JUAN ANTONIO ECHAVE,
MANUEL DE SIERRALTA,
JUAN JOSE DE LA GARZA FALCON,
JOSE SALVADOR DE LA GARZA,
PEDRO VILLAREAL,
JOSE ANTONIO GARZA FALCON,
BARTOLOME TREVINO.

Assisting witness—BENITO LOPES.
Assisting witness—JOSE RAFAEL LOPEZ.

In the place on the margin of the Arollo Colorado, where it begins

and expands into its broad lagunes (Lagunas Madres), at which place we arrived by going round and even wading through the water of the lagunes, that we had to the west of the second line, when we entered by it the bend or little pocket before mentioned, which thus remained as a natural landmark, together with an artificial one (señal) which was placed there, while at the same time another was placed where this third line began, by measuring from one to the other within the potrero del Espirito Santo, a part of those lines at a distance from the lagunes, which circumstance induced us to execute the survey in this way, on account of finding no firm ground or foothold there ( ); in which place, before me the witnesses of the denunciant, and others already mentioned, the surveyor again measured his cord which he made fifty varas from staff to staff by the same vara as aforesaid, and setting his compass began this third line, along the margin of the said creek (arrollo) up the stream, course west, and at three hundred and nine cordeles, the aforesaid surveyor noticed that the said creek turned south as though running across the potrero del Espirito Santo, on which account following the said course to south along the banks of the creek as well as it permitted; at a distance of a hundred cordeles it was found impossible to follow any line farther, on account of the country being inundated by a large lake, and little streams ravines, the Colorado into which they emptied their waters, as also by a dense and impassable thicket which joins unto the said Arrollo Colorado and lake, which entirely prevented the running of this line, but those experienced and well acquainted with the bends which the said arrollo made declared that at some distance beyond the place where we were compelled to stop, the aforesaid arrollo turned again to the west, as to which line, the surveyor agreed with the experts and the interested party, that it ought to have and did have the same number of varas in length as the line fronting on the Rio Grande, that is five hundred and eighty-four cordeles, on account of the second line running along the lagunes (or the second line of the lagunes), (la segundo linia de las lagunas) from the south to the north, and by our actual inspection (vista de ojos) these corresponded to it for the fourth line, one from the north to the south, as indeed tne fence seen upon this line shows; and on account of this supposition the interested party was ordered to establish an artificial landmark, which might serve as a monument (señal que sirviere de Mojonera), and this official statement all the proper persons and those who were knowing to the facts have signed before me, and the witnesses with whom I act under my delegated power as has been said, all of which I certify.

JUAN JOSE DE ECHAVE, MANUEL SIERALTA,
JOSE SALVADORE DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME DE TREVINO, PEDRO VILLAREAL,
JOSE ANTONIO DE LA GARZA FALCON,

Assisting witness—JOSE RAFAEL LOPES.
Assisting witness—JOSE BENITO LOPES.

In the aforementioned place of the thicket and the lakes, which presented the running of the third line aforementioned, as has been said, which line was concluded (or come to an end) (se concluyó) on the seventh day of the said month and year, the fourth line followed on the eighth day succeeding, in the present and aforesaid month, and as to this last line, it was likewise impossible to follow it up with the surveying cord, on account of the impenetrable nature of the thicket, the lakes and ravines (resacas), which interwoven with the said thicket, made it difficult by the necessity of deviations from the straight course (por ir dando veulta) in most of the said line, but it was agreed by the experts, an intelligent men, who accompanied us, that the said impassable tract of land (dicha empossibilitad) extended along the said line for a distance of five leagues, and in this the interested party agreed, till coming as we in fact came out at the fence, which he had set up on this front in the clear ground (en lo raso), at which place the surveyor aforesaid measured his cord, and making it the fifty Castilian varas, set his compass, and observed that the said fence ran from north to south, and pursuing this course we came at two hundred and twenty-five cordeles to the watering place, where this survey commenced on the Rio Grande del Norte, which closed; and adding the two hundred and twenty-five cordeles with the five leagues through the thicket and water, they make up the quantity of seven hundred and twenty-five cordeles; and the said surveyor having already made a plot estimate for this purpose, of the bends and elbows which the said Rio Grande forms, belonging to the first line, he declared that in these last and below, within the four said lines were contained fifty-nine square leagues (sitios de Ganado Mayor), eleven and one-half caballerias of land in favor of his majesty, according to his (acquaintance) skill within the act of surveying, ratifying in conformity with this by the oath which he has taken, all of which I set down in this official statement before me and my assisting witness, the persons already mentioned being present who signed on their respective accounts, and as to those who could not write, I, the said chief justice, of the town of Camargo, and judge commissioned for this business, have done so for them, acting under my delegated power as has been said, I certify.

JUAN ANTONIA DE ECHAVE,
MANUEL DE SIERALTA,
SALVADOR DE LA GARZA,
JUAN JOSE DE LA GARZA FALCON,
BARTOLOME TREVINO,
JOSE ANTONIO DE LA GARZA FALCON.

Assisting witness—JOSE RAFAEL LOPES.
Assisting witness—JOSE BENITO LOPES.

And notwithstanding that two of adjacent proprietors made opposition, inasmuch as they did not present their objections in form, nor exhibit their titles, the justice, acting as commissioner, proceeded to

give the public notices required by law, and a day having been appointed for the sale (remate) it was made in the following form:—

In this town of Santa Anna de Camargo, on the twenty-second day of this present month and year, and the last day of public notice for the sale, I, the said commissioned judge, ordered the drum to be beaten in the same place directly after High Mass, and by the voice of the public crier, I gave public notice of the sale before the commandant (el Señor Capitan), the Reverend Father, the Parish Priest of this town, various neighbors, and Don Jose Salvador de la Garza, and seeing that the hour had now arrived in which it is and has been usual and proper (regular) to make the said sale, I order the last call to be given, and there was no one who would bid (pujara) more than the twenty dollars which Don Jose Salvador de la Garza has bid, and the said stock farm (agostadero) adjudged to him after twelve calls (con doce pugon) which I made or repeated on this the same day of sale, and to said Don Jose Salvador de la Garza, thus it may be of benefit to him, he who signed with me and my assisting witnesses, with whom I act under my delegated power, which I certify.

JUAN ANTONIO DE ECHAVE,
JOSE SALVADOR DE LA GARZA.

Assisting witness—Jose Benito Lopez.
Assisting witness—Jose Rafael Lopes.

In the aforesaid town, on the said day, month and year, before me the said justice (Teniente) seeing that the thirty days for the daily notice of the sale which I was ordered to give by this order of the Government (este superior despacho) were entirely completed, as well as the day which I had fixed for its sale, the said Jose Salvador de la Garza, on his part, was content, and he having expressed his satisfaction and accepted the said potrero before the Captain Don Jose Antonio de la Garza Falcon, the Reverend Priest of this town, brother Francisco Villuendas, the first Regidor, Don Miguel Chapa, the Procurador, Don Agustin de la Garza, and other citizens who were present, and in order that this may appear in all time to come, I make this official statement which the said Don Jose Salvador de la Garza has signed, with me and my assisting witnesses, acting under my delegated powers, all of which I certify.

JUAN ANTONIO ECHAVE,
JOSE SALVADOR DE LA GARZA.

Assisting witness—Jose Benito Lopes.
Assisting witness—Jose Rafael Lopes.

And these proceedings having been set up, [the party] exhibited the petition of the tenor following: I, Balthaser Vidaurri, for Don Jose Salvador de la Garza, a resident citizen of the town of Camargo, in the colony of New Santander, in the proceedings on the denunciation of lands, to which he has given the name of Espiritu Santo, according to the record (escrito) on folio sixty-seven of sixty-seven

leaves, in the second division so far as the law allows me, state: that an order having been issued to take the steps prescribed in the Royal decrees (Acordado) for the grant and sale of these lands, all these steps were taken by the Justice of the town of Camargo, as the paper-book (cuaderno) in which he gives an account of his proceedings shows, without meeting any other opposition than that of Don Bartolomi Fernandez, an adjacent proprietor, on the side of the entrance of the potrero, with respect to the fourth and last line having stated that with the said line they had passed and crossed over one of his tracts of land, on the ground of its having happened that one of his estates (tierras) which ran into the potrero towards the east to a dry well (and intersected by this line), that he was asked for his titles and did not exhibit them, but a term period of three months was assigned to him, counting from the first of September, of the year last past, to appear to sustain his opposition in this special tribunal, and he not having done so, I charge him formally with contumacy, disobedience (rebeldra) on the folio fifty-second leaf with respect to the sale of the sitios and caballerias, I ought to represent to your honor that they are valued at two dollars per sitio, and one real per caballeria, but as my principal has suffered so much opposition, as the proceedings prove, and his opponents knew the necessity he was under to have the lands on account of his property stock cattle (bienes) before mentioned, being accustomed to that range, having been established in them, it was by a motive of malignity and to do him an injury, as the Justice (Teniente) states, that they bid up the sitios to twenty dollars; this is an extraordinary disproportion, since what they made him pay is, with reference to the price of the valuation, which was two dollars, nine times more than the proper price, and it is not permitted, even in public auctions, to sell at such prices (en estos terminos), for in those auctions bidders cannot go beyond the highest price (*i. e.* fisecado, the just valuation), and especially so when bad faith intervenes, and a disposition to do an injury to him who being from necessity, as was the case in the present instance. Wherefore I pray your honor that you may be pleased to approve the proceedings had, and the sale made to my principal; you will likewise be pleased also to reduce the price to what will be just and fixed by your prudent judgment, and in case this cannot be done (which he hopes will not be the case), my principal will have to pay, forced by the necessity, the full amount of the twenty dollars for the sitio and one real for the (caballerias), which are eleven and a half, and fifty-nine sitios, in order that the necessary instrument which is to serve him as a title, and by virtue of which he can enter into possession of the lands if he should desire it, may be in good time delivered to him, and with these representations, submitting it to the examination of the attorney of the treasury (abogado Fiscal), I pray your honor to be pleased to order, and I here ask, and I take the formal oath as to all necessary averments, &c. Doctor MANUEL GARISNAIN ARARIGUTE.

Baltasar de Vidaurri.

Mexico, the seventeenth of July, one thousand seven hundred and eighty. To the Attorney of the Treasury (or of the Government) the oidor and special judge, has so ordered (as above prayed) and signed with his rubric. Marked with a rubric before me,

JOSE DE MONTALVAN,
Royal and Provincial Notary.

The Attorney of the Treasury, upon examination of these proceeding on the denunciation made by Don Jose Salvador de la Garza of the potrero called that of the Espiritu Santo, in the colony of New Santander, says: That by virtue of the second order, issued for the proceedings under the royal decree (acosdado), the statements of the party, and those taken officially, were recorded in the fifth paper book, by which the land was shown (resulto) to belong to the public domain of the crown (realenga), and the denunciation on the thirty-first leaf having been published (publicado), the actual inspection (vista de glos) and survey followed, in which it was found (reconocio) that the potrero contained fifty-nine sitios de ganado mayor," which were rated at two dollars, besides eleven and a half caballerias, estimated at a real, at which prices the denunciant made a bid, and public notices having been given, another third party appeared, who made various bids until, on running up to twenty dollars for each sitios, the sale was made to the denunciant himself, without any important defect appearing in the said proceedings, since it is of no moment that the denunciation was published after the testimony had been taken, and though the citation of the neighbors (circumvecinos) did not precede these on account of the distance of their residences, it was made to them when these proceedings were received for the actual inspection (vista de ojos) and survey in which they were present, according to the thirty-third leaf on the reverse, and the following. The matter most worthy of note which appears (in the proceedings) is the opposition that Don Bartolomé Fernandez made on the fortieth leaf, saying, that by the line which had been run from the north to the south some land of his was taken, since his tract ought to extend to a dry well, which had been adopted as a boundary in the surveys made in favor of Don Narciso Cavasos, but on notifying him, on the reverse of the leaf, to exhibit his titles, he answered that they were in this tribunal, on which account he was allowed, according to leaf fifty-two, a period of three months, counting from the first of September of the year last past, to appear in this tribunal to sustain his opposition, which he has not done in more than ten months, reckoning from that time; to this it may be added, that the proceedings and surveys which were made upon the application of Don Narciso Cavajos, are those that begin the first paper book (cuaderno) of these proceedings (autos), in which it appears, on the thirtieth leaf, that they run below the watering-place (abrevadero) of Don Eugenio and Don Bartolome Fernandez, and these (surveys) were disapproved by your honor, on the reverse

of the fifty-first leaf, on account of its having appeared that the denunciant, Don Jose Salvador de la Garza, had settled (poblado) the potrero from the year seventeen hundred and seventy-one, and had denounced it in that of seventy-two before the Lieutenant General of the colony, and that various other persons had joined him, under his protection, or with his assent, and placed there their stock, among whom was the aforesaid Cavazos, and that the latter, notwithstanding this, denounced almost all the potrero, giving it the name of Santa Rita; and after the proceedings required by the royal decree (acordado) had been had, an application was made by the denunciant, and they were declared of no avail, and ordered to be made again in favor of Don Jose Salvador de la Garza, who was the first to settle and denounce, whence it follows that the surveys made upon the application of Cabazos were of no benefit to him nor to Fernandez, who has exhibited no other title, and the more readily, as it may be inferred that he also entered under the protection of the denunciant, or of some one of those to whom he had granted permission to introduce their stock. It ought also to be observed that the valuation of the sitio was two dollars for each one, and that on account of the bids, they were knocked off to the denunciant at the rate of twenty dollars, on which account he asks the price to be reduced to what the prudent judgment of your honor may think right, although in case this is not done, he states that he will have to pay the full amount, compelled thereto by necessity, and on this point it is to be noticed that, on the fifty-fifth leaf of the fifth paper book, the commissioner (comesario) states that the citizens of the town of Reynosa, to injure the denunciant, ran up the price to twenty dollars; it also appears by the first paper book, on the reverse of the fifty-eighth leaf and the following, that the said citizens influenced from the beginning that time forth by Don Narciso Cavajos, filed their opposition (oposission), on the seventy-fourth leaf, to the grant of these lands to Garza, and collecting together, as the justice (teniente) of the said town gives us to understand, those obstacles in his way, by preventing the performance of the proceedings required by the royal decree, until a second order was issued, committing them to the justice of Camargo.

It likewise appears on the reverse of the thirty-fourth leaf of the first paper-book that, when the first proceedings were had on the application of Cavazos, each sitio de ganado mayor was valued at twelve rials, to which the attorney of the treasury (abogado Fiscal) ought to add, with the good faith which belongs to his office, that, in the internal provinces (provincias internas) and in distant places, citios de ganado mayor are generally valued at their prices of twelve reals, and two dollars, or of three or four dollars, and on some occasions at one dollar; and that, in the proceedings under his custody, as to the estate of carrisitos, in the same jurisdiction, they are rated at two dollars, and in others, upon which he is engaged, as to the lands surveyed between the towns of Reynosa and San Fernando,

denounced by Don Antonio de Urezan, the valuation was made at four dollars; by which the attorney of the treasury does not oppose your honor exercising the functions belonging to your office, and reducing the price to the amount which you may think right. Upon consideration of the whole matter, your honor will be pleased to approve the proceedings had, adjudging or granting, by way of sale, to the denunciant, Don Jose Salvador de la Garza, the fifty-nine "sitios de ganado mayor," and eleven and a half caballerias of the potrero del Espiritu Santo, under the natural outlines (linderos), which the surveys state (que expresan las medidas), and ordering that, when the amount, which the sale brought, or that to which your judgment may reduce it, is fully paid and the duty of "media anata" satisfied, a report be made with those proceedings annexed to the royal audience, for the confirmation if such should be their supreme pleasure, and that, after their return (v. e. the proceedings), the corresponding title be issued.

Mexico, and July twenty-second, one thousand seven hundred and eighty.

Licentiate MARTIN DE ARAMBURA.

Mexico, the twenty-ninth of July, one thousand seven hundred and eighty.

In consideration of these proceedings, together with what is asked by the attorney of the treasury, I approve the proceedings had, and I adjudge and grant, by way of sale (hago adjudicacion y merced por bier de venta), to Don Jose Salvador de la Garza, the fifty-nine sitios de ganado mayor (square leagues), and eleven caballerias of land, under the natural boundaries (linderos) which the surveys state (que expresan las medidas). And in consideration of the circumstances of the affair, and the ill-designed (malversation) vexation of the bids that were made, it being apparent that this was done with the intention to injure the denunciant, by reason of the permanent establishment (radicacion) of his property, stock cattle (bienes) on the potrero del Espiritu Santo; and it appearing, as it does appear in this tribunal, by different documents (espedientes) which are here preserved, that the sitios de ganado mayor in these places are valued and sold, the highest at four dollars: I think it proper to reduce the price from twenty dollars to that of eight dollars, to which sum it amounts by quadrupling the valuation of these sitios; and upon the full payment into the royal treasury-chest (caja) of this court of the four hundred and seventy-two dollars to which this amounts, together with the eleven reals for the eleven caballerias, and their "media-annatas," these proceedings (autos) shall pass to the royal audencia for the confirmation of this grant, and when they are returned, notice of it shall be given for the issuance of the title or whatever may be requisite. Don Francisco Xavier de Gamboa, of the council of his majesty, his Oider in the royal audience of this New Spain, and

special judge of sales and purchases of vacant and public (realengas) lands and waters, has thus ordered and signed, GAMBOA.

Before me, JOSE DE MONTALVAN,
(Escribano real y de Provincia) Royal and Provincial Notary.

To the Royal Officer of the Royal Treasury and Exchequer (hacienda y caja) of this court—

Be pleased to order the receipt of four hundred and seventy-three dollars, three reals, at which Don Francisco Xavier de Gamboa, as special judge of vacant and public (realengas) land and waters, has made adjudication and grant by way of sale to Don Jose Salvador de la Garza, of fifty-nine sitios de ganado mayor, and eleven caballerias of said land within the limits of the colony of New Santander, jurisdiction of the new kingdom of Lion; and this amount shall be placed to a separate account in consideration of what is usual for its remittance to Spain in the customary form, returning this order indorsed, that it may appear in the proceedings on this subject.

Mexico, the twenty-ninth of July, one thousand seven hundred and eighty.

Jose de Montalvan, royal and provincial notary, entered on the two hundred and forty-second leaf (fojas) of the book of orders (villetes), on the third of August, one thousand seven hundred and eighty. GUERRO.

On the third of August, one thousand seven hundred and eighty, the four hundred and seventy-three dollars, these (tonsines) which this order mentions, were paid into the royal exchequer (caja).

MEVIA,
CARRILLO.

On the third of August, one thousand seven hundred and eighty, Don Jose Salvador de la Garza, to whom the special judge of lands has adjudged and granted by way of sale, fifty-nine sitios de ganado mayor, and eleven caballerias, within the limits of the colony of New Santander, paid in reals of this court, eleven dollars, six reals, and eight grains, which the royal duty of media annata imposed, computed at the half of what the interest of five per cent. of the amount of four hundred and seventy-three dollars, three reals, brings, which latter sum he has paid (servido), as appears by the order, which, with the indorsement of the royal officers, remains in this general office of accounts of the said royal tax under my charge.

In testimony whereof, and that it may appear wherever required, I give the present certificate in Mexico, on the said day, month, and year. LASARO ANOCITO y GARRE.

Very powerful Lord.

The only thing which can be found to prevent (como embarax) the grant and the sale of the lands of the potrero del Espiritu

Santo, deserving the supreme confirmation and approbation of your highness, is that Don Bartolomé Fernandez has not yet been heard as to the opposition he made in respect to a certain place in them; and likewise that the sale and adjudication (remate) has not been made for the price of twenty dollars, which the bidder, Don Jose Salvador de la Garza, offered for each sitio, being reduced by your special judge to that of eight dollars, which seemed to him to be their just and true worth; and, as to the first point, it must be supposed that the said Don Bartolomé Fernandez, although required, has not exhibited or shown the titles by virtue whereof he made his opposition, which circumstance persuades us that this opposition was entirely based upon the proceedings and surveys had upon the application of Don Jose Narciso Cabazos, which, as they were disapproved and annulled, could not give him any right; and this, together with the facts of his not having appeared in the special tribunal, either in the three months assigned to him, or in the other seven which have elapsed since, induces a violent presumption that his opposition was malicious and unfounded, and raised (deducida) with the object of hindering and delaying the resolution, the final decree in the whole matter, to the prejudice not only of Don Jose Salvador de la Garza, but also of the royal treasury; on which account, it is proper that it be neither considered as of moment, nor worthy of such attention as to delay or suspend, on its account, the confirmation; and, as to the reduction and abatement of the price of the sitios made by your special judge, although on the one side, it must be considered that the cause of the sale of the said sitios coming to be made as high as twenty dollars was that Don Salvador de la Garza had suffered so much opposition, and his opponents had learned the necessity he was in of obtaining those lands, on account of his stock having been established in them; so that, assured by this circumstance that Garza would not hesitate (repararia) as to the price, by a motive of malignity, and to do him an injury, as the justice (teniente) states, they ran up the sitios to twenty dollars; still, on the other side, it is to be noticed that, as to the first bid of ten dollars, it cannot be said there was fraud in it, because this bid is not so much out of proportion with the two dollars at which the sitios were valued; and this is more evident since (y mas cuendo), as the attorney of the treasury (abogado fiscal) states; and the aforesaid order of your special judge supposes, in those provinces, the sitios are generally worth two, three, or four dollars. The distance from which sum to that of ten dollars is not so great that it can be said to exceed the bounds of justice, particularly if we reflect that things are worth as much as they will bring; on which consideration, it is the opinion of the fiscal (*i. e.*, the attorney-general, or chief law or adverse of the crown) that it would be proper to abate and reduce the amount of twenty dollars, at which the property was knocked off (se verifico el remato), to that of ten dollars, which is the half mean, and at which the first bid was made; wherefore your highness will be pleased, if it should be

your supreme pleasure, to confirm and approve the grant and sale made by the special tribunal to Don Jose de la Garza of the lands of the potrero named the Espiritu Santo, under the limits and natural outlines (terminos y linderos) which the surveys state (que espresan las medidas) to do so, with the proviso that there must be tendered and paid over the other two dollars belonging to each sitio, its price being reduced to that of ten dollars, the proceedings being then returned to the said tribunal, in order that, after the aforesaid payment is made, the corresponding title may be issued to him.

MERINO.

Mexico, October twenty-first, one thousand seven hundred and eighty.

Mexico, December eleventh, one thousand seven hundred and eighty. Let it be reported with the proceedings annexed, Mexico, May sixteenth, one thousand seven hundred and eighty-one. The request. Villa umitia. Asedo. Licentiate, FLORES.

In the city of Mexico, on the eighteenth day of July, one thousand seven hundred and eighty-one, the President Regent and Oiders (Presidente Regente y Oidores) of the Royal Audience of New Spain, having examined the proceedings which the Oider, Don Francisco Xavier de Gamboa, special Judge of lands and waters has reported as to the denunciation made by Don Jose Salvador de la Garza of the potrero named Espiritu Santo, in the Colony of New Santander, in which are comprised fifty-nine sitios of ganado mayor and eleven caballerias of land, in order that the adjudication which the said judge, on the twenty-ninth day of July, made of the said sitios and caballeries of land might be confirmed, reducing the price from twenty dollars, to which the bids that were made ran, to that of eight dollars, to which it amounts by quadrupling the estimated value of the said sitios, for the reasons which he states in his order; having examined likewise the proceedings that were had by order of the said minister for the said adjudication, and what is asked by the Fiscal of his majesty in his reply of the twenty-ninth of October, of the same year of eighty, with the other (filling requisite circumstances). Have said that they confirm and have confirmed (confirmaran y confirmaron) the grant made by way of sale by the aforesaid special judge of lands to Don Jose Salvador de la Garza, of the sitios and caballerias, which his decree of the twenty-ninth of July of the year last past, embraces with the proviso that the price of each one of them must be paid at the rate of ten dollars, and that consequently whatever with respect to this is wanting to complete this amount must be contributed and paid, as likewise the sum of one hundred dollars as a contribution to his majesty for the favor conferred in excusing him from having to apply to his royal person for the confirmation, in the form provided in the royal order (cidula) of the fifteenth of October, one thousand seven hundred and fifty-

four. And they likewise ordered and did order (mandaran y mandaron) that for the prompt fulfilment of all, everything respecting this subject be returned to the aforesaid tribunal of lands, and so they have decided and signed by their rubrics. Regent. Villa sumitia asedo. Suyando.

JOSE MAXIMO VILLASECA.

This corresponds with its original, to which I refer, I certify.

JOSE MAXIMO VILLASECA.

To the royal officer of the royal treasury, and exchequer of this court:—

Be pleased to order the receipt from Don Salvador de la Garza of a hundred and eighteen dollars on account of the two additional dollars for each sitio of the fifty-nine, which Don Francisco Xavier de Gamboa, special judge of lands and waters, has adjudicated and granted to him by way of sale, in the colony of New Santander as is provided by the Royal Audience, and also one hundred dollars that the said royal tribunal has fixed for the favor of the confirmation, and this amount shall be accounted for separately, in view of what is usual for its remittance to Spain in the customary form, this order being returned endorsed, that it may appear in the proceedings upon this subject.

Mexico, the twelfth of September, one thousand seven hundred and eighty-one.

JOSE DE MONTALVAN, Royal and Provincial Notary.

Entered in the reverse of the hundred and seventy-third leaf of the book of orders (villetes), on the thirtieth of September, one thousand seven hundred and eighty-one.

BARRANDEQUIL.

On the thirteenth of September, one thousand seven hundred and eighty-one, the two hundred and eighteen dollars contained in this order were paid into this Royal Exchequer (cajas), Mexico.

CARRELLO.

On the thirteenth of September, one thousand seven hundred and eighty-one, Don Salvador de la Garza, to whom the Royal Audience of this capital has confirmed the grant which Don Francisco Xavier de Gamboa, as special judge of lands, has made to him of fifty-nine sitios within the limits of the colony of New Santander, ordering him to tender two dollars more for each sitio in the price for which the grant was made to him, has paid into Royal Exchequer of this court sixteen dollars, five reals, nine grains, to which amounted the royal tax of media annata, in this form, two dollars, seven tomines, three grains, as the half of the interest at five per centum per annum of the sum of one hundred and eighteen dollars, the amount of the two additional dollars on the value of the lands, and the remaining thir-

teen dollars, six tomines, six grains, for the favor of the confirmation, as is shown by the order, which, with the endorsement of the royal officers, remains in this general comptroller's office under my charge.

In testimony whereof, and that it may appear wherever proper, I give the present certificate, in Mexico, on the said day, month, and year, on account of the absence of the comptroller.

DIEGO DE COVARREIBIAS.

In consideration of the order of the President Regent and Oiders (Precedent Regente y Oidores) of the Royal Audience, and in pursuance of a decree which I made on the tenth of the present month, I have determined to issue these presents, by which, exercising the powers conferred on me by the royal decree and instruction of the fifteenth of October, seventeen hundred and fifty-four, I declare that Don Jose Salvador de la Garza has complied with what is ordered in it (i. e. the royal order) and in the name of his majesty (whom may God preserve), and without prejudice to any third person or community of Indians, I admit him to purchase, and I adjudicate and grant unto him by way of sale fifty-nine sitios de ganado mayor and eleven caballerias of land, within the limits of the colony of New Santander, and not exceeding its natural boundaries (linderos); I supply and dispense with the want of a grant and titles, and the vices and defects in his possession of these lands, in order that he may not be obliged, either on this account or on any other, to submit to a resurvey (no se le oblique á medidas) or enter into any other purchase, or to exhibit any other title, because I have given to him, as I now do give him, as a complete and sufficient a title as he may have need of for the ownership (propiedad) of the said land, and the enjoyments of its fruits and all its rights and privileges whatsoever, ways (entrados y solidas), uses, customs, and servitudes, it has or possesses by custom and by law (de fuero y de derecho), he may enjoy, without excepting or reserving anything from the said Don Jose Salvador, or any one to whom he may hold his title (causa), or who may represent his rights with the proviso that he must stock and cultivate the same with what is required in conformity with the ordinances of the kingdom which treat upon this subject; and that if at any time the whole or a part of the said lands is needed for any establishment (fundacion) of a port, town, or village place, he must leave what may be thus needed, free and unincumbered (libre y disimbarasado), on being paid what it may be worth at the time (pagandole lo que a la sazon valiere); with which the said provisos to belong to him, his heirs, and successors (i. e., the lands), *and successors*, as held and acquired by their own and a legitimate title of property which is these presents; and I order the justice of that province that, whenever the aforesaid Don Jose Salvador de la Garza may ask it, he shall give him entry and put him in possession of the said lands on the citation of the adjacent proprietors, notwithstanding any opposition, and without allowing any deprivation of his rights

(no causar despojo al guno); and that the said justice shall not consent that he be deprived of the possession given him without first having had a hearing according to custom and law, delivering to him when this is done (veneido), the proceedings which may be had in continuation of this title as a protection of his right.

Mexico, the twenty-sixth of September, one thousand seven hundred and eighty-one—interlined fifty-one—incorrect—crossed out—exhibition—fifteen of the province thirty and—incorrect.

DON FRANCISCO XAVIER DE GAMBOA.

By order of the Oider and Special Judge.

JOSE DE MONTALVAN,
Royal and Provincial Notary.

Fees, sixty-one dollars, including paper and writing, and no more upon my oath (asi lo juro), a rubric.

Your honor admits to purchase, adjudicates, and grants by way of sale, fifty-nine sitios de ganado mayor and eleven caballerias of land, within the limits of the colony of New Santander, to Don Jose Salvador de la Garza, in consequence of his having paid into the Royal Exchequer of this court the amount of their price, the favor of the confirmation and the media annata charged to him, etc.

Mexico, September twenty-sixth, one thousand seven hundred and eighty-one.

Title of purchase, adjudication, and grant of fifty-nine sitios de ganado mayor and eleven caballerias of land, made by the special Judge of this kingdom, and confirmed by the Royal Audience, in favor of Don Jose Salvador de la Garza, a citizen of the town of Camargo, within the limits of the colony of New Santander, etc.

(On the first page of the old title.)

Mexico, September 26, 1781.

Titles of lands in the potrero named that of the Espiritu Santo, on the margin (maguro) of the lagunes of the sea of the Gulf of Mexico, acquired (conquistado) by Don Jose Salvador de la Garza, resident citizen of the town of Camargo, in the year 1771.

[A rubric.]

And the plaintiff then gave in evidence a document in the Spanish language, purporting to be a copy of a power of attorney given by said Jose Salvador de la Garza, which was proved to be a correct copy of the original in the archives of Camargo, with a translation thereof, admitted to be generally correct, which said document and translation were as follows:—

(Power of D. J. Salvador de la Garza á D. Jose Marcosa Anedondo.)

En esta Villa de Santa Anna de Camargo en siete dias del mes de Noviembre de mil setecientos setenter y siete años. Ante mé Dn.

Jose Anto. de la Garze Falcon, Justicia major Politica y militan de esta espresada Villa y su Jurisdicion presentos los testigos de me ass'a con quienes autuo por falta de Escribano que no lo ayen el termino del Dro. y pa. la misma varos en el presente papl. comparecio Dn. Jose Salvador de la Garze Vezo. de Otra Villa, a quion doy fee, conosco y dijo que daba y dio' todo su poder cumplido Vertante a Dn. Jose Marcos de Arredondo Vezo. y del comercio de la capital de Monterey del Nueva Lion y residenote en esta Otro Villa para que representando su propie persona dacos: y acciones po. no poderlo haceor asse personal el otorgante pr. hallarse con scupaciones qe. le mi piden pueda presentarse el otro. Dn. Josa Marcos de Arredondo en a quel superior Jusgado privatibo y que denuncia en Nombre del Otorgante las tierras que tiene poblados desde el año de setenta y dos desde el dia diez y ciete de Mayo con estancia de Caballado y ganado mayor cuyas tierras seon reconocido pr. Realengas y lisdan con el Oriente con Lagunas de la mar, por el poniente con una Montaña grande que llaman Carrisitos, por el sur con los Margenes del Rio Grande, y pr. el Norte con una resaca que sale de la Mar que llaman la Agua cusarnada, para creia conequison confrise este poder el Referido Dn. Jose Marcos de Arredondo cumplio y grat. y sin limitacion algune y que lo pueda sobotituia en persona de su confianze y á su cumplimiento obligo su persona y vienes habidos y pr. haber renuncio su propio fuero domicilio y vecindad y las Leyes de su favor con la grat. del dad. y serri lo otorgó y firmó conmigo y los de sus ass'a con quienes autuo como queda dts. de que doy fe.

TPH. ANTONIO DE LA GARZA FALCON,
TPH. SALVADOR DE LA GARZA.

De ass'a—BRUNO MARIA DE NOREAGA.
De ass'a—TPH. SULE.

Concuerda con su original ayu se halla en el Protocolo de instrumentes Publicas de esta villa a que me remito sacors a pedimento berbal de Dn. Juan Treanor hoy, veinte y nueve de O'bre de mil ochocientos cincuenta y seis en dos fojaz utilas de papel comun pr. no haber de nisgar sello en el ficha de este villa ofrenindo le parte interasado de ponesto cuando lo hueja fuerar testigos al realo sacar corregior y contestar Dn. Muuimo. Valverde, Dn. Ygno. Gonzales, y Don Pio Olivares a mas de los de me asistancie conquine actuo en falta de escribano pro. Doy fe.

JUAN VILLAN.

A.—TEADORO GARZA CARY.
A.—VIVIANO GARCIA.

Compared Oct. 29, 1856. JUAN PREANO.
Setl. 23, de 1858, comparado. PABLO CAMPUZANO.

In the town of Santa Anna de Camargo, on the seventh day of the month of November, in the year seventeen hundred and seventy-six, before me, Dn. Jose Antonio de la Garza Falcon, Chief Political

and Military Judge of this aforesaid town and its jurisdiction, there being present the assisting witnesses, with whom I officiate, in the absence or for the want of a notary, there being none, in accordance with law; and for the same reason, on this paper, appeared Dn. Jose Salvador de la Garza, a resident or citizen of said town, whom I certify that I know, and said that he gave and granted all his power or authority, complete and sufficient, to Dn. Jose Marcus de Arredondo, a citizen and merchant of the capital of Monterey, of Nuevo Lion, and a resident of this aforesaid town, in order that, representing his proper person, rights and actions, the grantor not being able to do so personally, in consequence of having other occupations which prevent it, the said Dn. Jose Marcos de Arredondo may appear in that proper and particular tribunal, and there apply for, in the name of the grantor, the lands which he has stocked since the seventeenth day of May, of the year seventy-two, with horses and cattle, which lands have been carefully examined as belonging to the public domain, and are bounded with the east with lakes of the sea, on the west by a large, thick wood, which is called Carricitos, on the south by the margins of the Rio Grande, and on the north by a ravine which comes out of the sea, and is called the "Agua encarnada," for which purposes he gives this power to the aforesaid Dn. Jose Marcos de Arridondo, ample and general, and unlimited, and with authority to substitute it on a person of his confidence, and for its fulfilment, he bound his person and property, acquired and to be acquired, he renounced the peculiar statute law of his abode and vicinity, the laws that operate in his favor, and the general law of right, and he thus granted and signed it, with me and those of my assistance with whom I officiate as aforesaid, of which I certify.

Iph. ANTONIO DE LA GARZA FALCON,
Iph. SALVADOR DE LA GARZA.

Assisting—Bruno Maria Norziaga.
Assisting—Tph. Sule.

This agrees or corresponds with the original, which is in the judicial record of public instruments of this town, to which I refer. It was transcribed at the verbal request of Dn. Juan Treanor, this the twenty-ninth of October, eighteen hundred and fifty-six, on two legal leaves of common paper, there being none of any seal in the office of this town, the interested party offering to replace it when there shall be, Don Muriano. Valverde Don Ygno. Gonsales, and Don Pio Olivaris, besides those of my assistance, with whom I officiate in the absence of a notary public, were witness to its being copied, corrected, and attested, I certify.

JUAN VILLARR'L.

Assisting—Teodoro Garra Varga.
Assisting—Viviano Garcia.
Compared Oct. 28, 1856. JUAN TREANOR.
Compared Sept. 23d, 1858. PABLO CAMPASANO.

Endorsed power of Don J. Salvador de la Garza to Don Jose Marcos de Arredondo.

And the plaintiff then read in evidence so much of the deposition of Nicolas Garcia y Garza, taken in another cause, as related to pedigree boundary and ancient possessions, after proving the death of said witness, which parts so read were as follows in the original Spanish, in which language said deposition had been taken, and also a translation, which were as follows:—

RAFAEL GARCIA CAVASOS y otros
contra
SIMEON MUSINA.

Interrogatores de preguntos que han de su propositas a Don Nicolas Garcia, Don Manuel de la Chapa, Don Jose Antonio Garza Falcon, y Don Juan Manuel Remires, testigos que pueden ser producidos juradas y examinados ante el Juez ó Tribunal de la Villa de Camargo en el Estado de Tamaulipas, haciendo de las hajo la corta rogataria expedida por la Corta de Destrito de las Estados Unidos de America para el Destrito de Texas en el pleito arriba mencienada por parte de los dichos demandores.

La Primera Pregunta (a todos) Conoce V. a los demandadores, Don Rafael Garcia Cavasos, Dona Maria Josefa Cavasos su esposa, y Doña Estafana Goseascochea de Cortina, y a Don Simon Mussina Demandado.

La Segunda Pregunta (a todos) Uree edad tiene V. y en donde ha vivido V. durante su vida.

La sesta pregunta. ¿Quien fue la esposa de Don Jose Salvador de la Garza Quienes fueron sus hijos?

La septima pregunta. ¿En donde murio Don Jose Salvador de la Garza y cuando, segun la memoria de V? cuanto tiempo habia sido casado el dicho Don Jose?

La octava pregunta. ¿Conose V. el terrino sobre la orilla isquierda del Rio Grande conocido con el nombre del Potrero o agostadero del Espiritu Santo? Si es asi cuanto tiempo lo conocia V. bajo ese nobre? cuanto hace desde se hallaba V. en este terreno por la primera vez?

La novena pregunta. ¿Que como didados particulares tiene ello? porque se llamo ello, potrero"? Que eran sus linderos en el tiempo de Don Jose Salvador de la Garza segun repulacion general.

La decima pregunta. ¿Quien estaba reputado por druñio del dicho terreno, cuando lo conocia V. la primera vez?

La decima tercira pregunta. ¿Se hallaban ó no algunos dardas de pas en el dicho terreno cuando lo conecia V. primeramente? Quien los habia establecido alli? y como se llama el parage donde vivian?

La decima quarta pregunta. ¿Quantas cabesas de ganado mayor y menor, vacas, cavallos, mulos viejas, etc.; tenia D'n Jose Salvador de la Garza en el dicho terreno? En que parages estaban sus corales

hacales etre y como se llamaban sus ranchos adentro el dicho terreno? cuantos piones y labredores tenia trabajando alli?

La decima quinta pregunta. ¿En que modo tenia sus cavallos etre cerrados en el dicho terreno?

La decima sesta pregunta. ¿Con quien se caso D'n Blas Maria de la Garza? murio el antes de la muerte de Don Jose Salvador de la Garza ó despues?

La decima septima pregunta. ¿Con quien se caso la Señora Dona Maguarita de la Garza? Que hijos tenia vivira ahora sus hijos ó no?

La decima octava pregunta. ¿Con quien se caso la Senora Jubiera o Xaviera de la Garza? Que hijos tenia olla? viven ahora sus hijos ó no?

La decima novena pregunta. ¿Quienes, segun su conocimiento de V. han tenido posecion del dicho terreno conocido por el nombre del potrero o' agostadero del Espiritu Santo despues de la muerta de Don Jose Salvador de la Garza como drunos proprietarios del mismo?

En la misma villa dia mes y ano ante mi dicho juez y en esta mi jusgado previa esta comparecio el C. Nicolas G. Garza y en su persona que doy fé conosco le recibi juran acto en forma bajo cuyo cargo ofrecio desir verdad en todo lo que supiere y fuere preguntado y nombre sobre lu primera pregunta del interrogatorio que entrene el negocio que se titulon, Don Rafael Garcia Cabasos y otro, contra Simon Mussina, dijo; que a D. Rafael G. Cabasos he le conoce; que a la Senora Esposa de esta Dona Josefa Cabasos, y a D'na Estafana Goseascochea de Cortina las conoce, y tambien y no conoce D'n Simon Mussina denunciado.

A la pregunta segunda del mismo interrogatoria conteste; que teine ochenta y tres anos y ha vivide dentro d esta Republica con su residencia en este ville.

A las sesta; que Dona Maria Gertrudas de la Garza Falcon fue Esposa de Don Jose Salvador y solo turieran un hijo que se llamo Don Blas Maria de la Garza y dos hijos Don Javiera y Dona Margarita.

A la septima; que no sabe en donde murio Don Jose Salvador de la Garza ni fue mas de g'e fue en su regreso de Mejico f'a esta que el tiempo g'e habia sido casado el decho Don Jose Salvador fue mas de treinte anos no sabe las fuchase.

A la octava pregunta dijo; que conoce el terreno sobre la arilla izquierda del Rio Grande con el nombre del Espiritu Santo y que le conoce bajo este mismo nombre desde que tubo uso de raison y q. Cuando fue la primere vez á ocho terreno el g'a tendria á poco menos de quince anos.

Sello Tercero, Cuarto Reales.

Ano de mil ochocientos cincuenta y mil ochocientos cincuante y una.

Novena pregunta conteste; que ocho agostadero teine bas tante comodidados siendo la principal estan cevado por naturalan por los cuatre nombres y por le g'a se llama potrero que el oriente el mar, por el sur el Rio Grande, por el poniente el Arroyo Colorado y un monte espaso. Por el Norte las Lagunas Madres q. penden del mar y que segun reputacion general lo reconociede por de D. Jose Salvador era lo comprendido dentro de los puntos que deja mencionados.

A la decima pregunta contesta; que cuendo conocie el referido terreno la primera vez era reputado dueño Don Jose Salvador de la Garza.

A la decima tercera pregunta; que habira algunos Indios de por su dicho terreno denunciados las negres y las mulatos quienes reconocire por como a D. Jose Salvador y ocuparban cualquier paraje que los acomodaba dentro del agostadero del Espiritu Santo.

A la decimo cuarto pregunte dijo; que quando mayor, bacas caballas y mulas tinia con estremo Don Jose Salvador de la Garza en el dicho terreno que las Corrales y Hacules estaban sevicados en el centro del dicho agostadero en media del llano en un charco g'n le duraba mucha la agua y se denomino Rancho del Espiritu Santo g'a despues se formo' otro rancho con el nombre del Tanque y el dijeron al Primero Rancho Viejo y mas despues otro en San Martin y piones tenia los nueve rios para de rancho y no habia Cabasos.

A la decima quinte dijo; que sus caballos, &c., los tierra en otro potrero que unecomte los baquerra pentieban el y anado pues estaban seguras como que el dicho potrero ola tenia tres entreados, una por la arille del Rio Grande; otro frente a carisitos y otro con el Arroyo Colorado.

A la decima sesta-dijo, que Don Blas Maria de la Garza se caso con Doña Francisca Cabasos hija de Don Narciso Cabasos y murio despues de Don Jose Salvador.

A la decima septima pregunte, que Doña Margarita de la Garza se caso con Don Padro Lopez Prieto, que tubo dos hijas Don Antonio y Don Manuel Prieto el primera murio y d 2a viva aun en Matamoros.

A la decima octavo pregunte: que Doña Javine de la Garza se caso con D. Jose de Goeascochea quien tuve dos hijos Doña Estafana y Doña Feliciana Goseascochea.

A la decima novena pregunta contesta: que bien tenedo posecion del dicho terreno de Agostadero del Espiritu Santo despues de la muerte de Don Jose Salvador de la Garza como dueño y propietario los herederos de Don Pedro Prieto, d Don Gosascochea y Don Polas de la Garza.

Interrogatories to be propounded to Don Nicolas Garcia, Don Manuel de la Chapa, Don Jose Antonio Garza Falcon, Don Juan Manuel Ramires, witness, to be produced, sworn, and examined before the Judge or tribunal of the town of Camargo in the State of Tamaulipas, acting under a letter rogatory issued by the District

Court of the United States, for the District of Texas, in the above entitled causes on the part of the plaintiffs :—

Interrogary first (to all). Do you know the plaintiffs, Don Rafael Garcia Cavasos, Doña Maria Josefa Cavasos, his wife, and Doña Estafana Goseascochea de Cortina, and the defendant, Simon Mussina ?

Interrogatory second (to all). What is your age, and where have you resided during your life ?

Sixth interrogatory. Who was the wife of Don Jose Salvador de la Garza ? Who were their children ?

Seventh interrogatory. Where did Don Jose Salvador de la Garza die, and when as nearly as you can recollect ? How long had he been married ?

Eighth interrogatory. Do you know a tract of land on the left side of the Rio Grande, opposite to Matamoros, known as the Potrero or Agostadero del Espiritu Santo, if so, how long have you known it by that name ? How long is it since you were first on this tract of land ?

Ninth interrogatory. What are its peculiar natural advantages ? Why is it called a potrero ? What were considered to be its boundaries in the time of Don Jose Salvador de la Garza ?

Tenth interrogatory. Who was known as the owner of this tract of land when you first knew it ? Who first discovered it and made use of it ?

Thirteenth interrogatory. Were there any Indians domesticated and living peaceably on the said tract of land when you first knew it ? Who had placed them there, and what was the place where they lived called ?

Fourteenth interrogatory. How many head of cattle, horses, mules, sheep, had Don Jose Salvador de la Garza upon this tract of land ? Where were his cattle pens, hacals, and what were the names of his ranchos upon the said tract ? How many peons or servants had he employed there ?

Fifteenth interrogatory. How did he manage to keep his horses, cattle, &c., enclosed within the tract of land ?

Sixteenth interrogatory. To whom was D. Blas Maria de la Garza married ? Did he die before or after D. Jose Salvador de la Garza ?

Seventeenth interrogatory. To whom was Doña Margarite de la Garza married ? What children had she ? Are her children still living ?

Eighteenth interrogatory. To whom was Doña Jabeira or Xaviera de la Garza married ? What children had she ? Are they living or dead ?

Nineteenth interrogatory. Who to your knowledge have had possession of the said tract of land, known as the Potrero or Agostadero del Espiritu Santo, as owners and proprietors thereof, since the death of D. Jose Salvador de la Garza ?

(Translation of part of deposition of Nicholas Garcia Cavasos.)

1. On the same day, month and year, before me, the said judge, and in this my court, by a previous citation appeared the citizen Don Nicolas G. Garcia, and in his person, which I certify I know, took the oath in due form, in which he declared that he would state the truth as to all which he might know and should be asked, and being questioned as to the first interrogatory in the case of Rafael Garcia Cavasos and others *v.* Simon Mussina, he said that he knew Doña Josefa Cavasos, the wife of the former, and Doña Estefana Gaseascochea de Cortina, and does know the defendant Simon Mussina.

2. To the second interrogatory he answered, That he is eighty-three years old, and has lived within this republic with his residence in this town.

6. To the sixth, That Doña Maria Getrudes de la Garza Falcon was the wife of Don Jose Salvador, and they only had one son, whose name was Don Blas Maria de la Garza, and two daughters, Doña Xaviera and Doña Margarita.

7. To the seventh, That he does not know where Don Jose Salvador de la Garza; it was at the time when he was on his return from Mexico; that at that time the said Don Jose Salvador had been married more than twenty years; does not know the dates.

8. To the eighth interrogatory he said, That he knows the land on the left bank of the Rio Grande by the name of the Espiritu Santo, and that he has known it by this name since he has had the use of his reason, and that when he was there for the first time deponent must have been a little more than fifteen years old.

9. To the ninth interrogatory he answered, That the said estate has considerable advantage, it being the principal one; that it is enclosed by nature on the four sides, and therefore is called potrero; on the east the sea, on the south the Rio Grande, on the west the Arroyo Colorado and a dense thicket, and on the north the Laguna Madre, communicating with the sea, and that, according to general reputation, what was recognized as the property of D. Jose Salvador was what is included within the points before mentioned.

10. To the tenth interrogatory he answered, That when he knew the said land the first time D. Jose Salvador was the reputed owner.

13. To the thirteenth he answered, That there were some peaceable Indians on the said tract, called negros and mulattos, who recognized D. Jose Salvador as owner, and occupied any place that suited them within the tract of the Espiritu Santo.

14. To the fourteenth interrogatory he said, That D. Jose Salvador had a great number of cattle, horses, and mules on the said tract; that corrales and hacals (pens and huts) were established in the centre of said estate, in the middle of the prairie, at a pond where the water lasted a long time, and it was called Rancho del Espiritu Santo; afterwards another rancho was made and called

El Tanque, and then they called the first one "Rancho Viejo," and afterwards another at San Martin, and he had the necessary peons, and had no fields.

15. To the fifteenth interrogatory he said, That they kept their horses, etc., on the said potrero; that the herdsmen only noticed the stock from time to time, since they were safe, as the said potrero had only three entrances, one by the bank of the river, another in front of the cannitos, and another on the Arroyo Colorado.

16. To the sixteenth he said, That Don Blas Maria de la Garza married D'a Francisca Cabasos, daughter of D. Narciso Cabasos, and died after Don Jose Salvador.

17. To the seventeenth interrogatory, That Doña Magarite de la Garza married Don Padro Lopez Prieto; that he had two sons, Don Antonio and Manuel Prieto; the first is dead, the second is still living (in 1850) in Matamoros.

18. To the eighteenth interrogatory, That Doña Javiera de la Garza married Don Jose Goseascochea, who had two daughters, Doña Estefana and Doña Feliciana Goseascochea.

19. To the nineteenth interrogatory he answered, That the heirs of Padro Prieto, of Jose Goseascochea, and of Blas de la Garza, have had possession of the said tract of estate of the Espiritu Santo from the death of Jose Salvador as owners and proprietors.

And the plaintiff then proved by extracts from the Parish register and public archives that Jose Salvador de la Garza died before the end of the last century, leaving three children, to wit: Blas Maria de la Garza, Margarita de la Garza, and Xaviera de la Garza; that Blas Maria de la Garza married Maria Francisca Cabasos on the twenty-fifth day of July, 1792, and died on the fifteenth day of May, 1802, leaving no children, but devising by his will one-fifth of his property to his niece, the present plaintiff, and four-fifths to his wife; that said Maria Francisca Cabasos died on the sixth day of May, 1835, leaving no children, but devising by her will her property equally between her niece, the present plaintiff, and her sister, Maria Ignacio Cabasos; that Margarita de la Garza married Don Padro Lopez Prieto on the twenty-eighth day of July, 1783, and died before the end of the last century; that Xaviera de la Garza married Jose de Goseascochea on the seventeenth day of February, 1787. And the plaintiff then gave in evidence a document proved to be a correct copy of the original in the office of the notary public in the city of Matamoros, purporting to be an act of partition between the present plaintiff and her late husband, and Maria Ignacio Cavasos, together with a translation thereof, which was admitted to be generally correct, but subject to comparison with the original, which document and translation are as follows:—

(Partition of Doña Francisca Cabasos' Estate.)

Testimonio de la escritura (conege) inventorios y particion de bienes entre Doña Maria Ignacia y Doña Josefa Cabasos por muerte de Don Blas Maria Garza y Doña Francisca Cavasos.

(Compared Sept. 6, 1857. J. B. Bigelow, Jose Ma. Heracur.)

En la villa de Matamoros a los tres dias del mes de Julio de mil ochocientos treinte y cinco años duadecimo de la instalacion del Congreso de este Estado, ante me el escribano publico y testigos pareciaron presentes Doña Maria Ygnacia Cavasos vecina de la villa de Reynosa, y Don Rafael Garcia, que lo se de esta como maride y conjunta persona de Doña Josefa Cavasos y dijeron que habiendo fallecidæ en esta espresada villa el dia veinte y nueve de Mayo ultimo Doña Francisca Cavasos, bajo del testimento que habia otorgado en veinte y siete de Octubre de mil ochocientos dies y ocho ante el Señor Alcalde Don Josa Ramon Garcia que lo era de esta propia villa y testigos de asistencia, á falta de escribano publico con el numero compedente de instrumentales, y en el cual instituyó por sus imorenales herederos á las referedas Doña Maria Ygnacio y Doña Josefa Cavasos su hermana la primero y su sobrina la segunda aceptando su herencia con beneficio de inventario procedieron estrajudicial y amigablemente, en rason de su mayores de edad, y con la intervencion de Don Juan Trenos como opoderado espicial que fue de la una, y de D. Rafael Garcia como legitimo esposo de la otra á la faccion de todo los bienes crédetas, coudal y efectos que se encontrison pertecorle los que se valuaron por los respectivos pentos, que unámes déjieron que cracuado dicho inventorio á todo su satisfaccion y como el lo aprucabon de nuevo; considerando que de nombren contadons peducalos para dividestos de le ocacionarion creeidos gustos deliberaron hacer por si mismos la deccion de uno persone instruide y de su mutua conpiana quien correspondiendo á ella procido a forma la division correspondiente, la que equalmente aprueban ent odas sus partes.

Y para que jamas se dude en su veracidad, de comun acuerdo con vinieran en reducir á instrumento publico tanto los inventarios y pusto precio de los bienes cuanto la espuesta cuenta divisoria; y para realizasto me entregan dichos documentos á finde unisloz á esta escritura loma yo el presente Escribano lo verifico, protocolandolo á su conlimiacion. Y para que la mencionaca particion estrajudicial tenga el vigor firmaze y validacion que los entersesados en este upetecen, en la vra y forma que mas haya lugar en dereche cercio rudos del que les compete, de su libre y apontance voluntad otorgan que aprueban, ratifican y dar por hechar perfectamente y con el debido anequ y en caso necesario formalison de nuevo la apresada particion con sus presupuestes; cuerpode caudal, deduciones y adpedicacions, declaracions y todo lo demas que contiene y de los tienes respectivamente aplicados a cada una de los dos herederas que quedan referidas, se don por entregados mutuamente a su satisfacion y por no parcu de presente su entrega, mediante haber sido cierta y efectona como lo confuran, renuncion le esupcion que podian oponer de no haberle hecho, la ley nona del titulo primero partide qu gunita; que de ello trata, y los dos años que prefine para la puebe desa recibo, lo que

dore por parados, como se realmente lo celubriasar, y formaleran a su favor el mareficar recibo y resquardo que a su seguridad conduzcan y en su consecuencia de decapoderan, decoiton, quitan y apartan, y á sus herederos y sucsesores, del dominio o propiedad porciron, titulo, voz, recurso y otro cualquier derecho que á los referidos bienos, y cade con de la herencia les correspondia en distintamente y pudo corresponder mientras resistion proindivisos y todo con las ceciones reales pensonales cetitis meritas derecton ejecutivos y demas que le competen y hace competidá ellos y a cado achaga se lo cedon renuncian y trasparan integra y receprocamente, sin la menor receva, utento á que con los que le estan aplicado de hayan satisfachos, y reentregiados de su mencionada hermana y tia, por cuya rason, quedon estinguidos fex cealdas y acabados enteramente las que durante la proindivicion tener para que de el se le hicion payo.

Y se confieron el mas amplio, absolute, firme à irrevocable poda que necessitar, con libre franca y general administracion y facultad de Instituido, y se constituyen procuradores actores de su propia negocio, para que cada, una de las dos herederas tome y aprende la real tenencia y porcion de lo bienes que se la adjudicana en la espuesta denie, enagene, un y dispon que d ellos a su arbitrio y decima como de cosa suya adquiride con legitimo y justo titulo, como lo son la adjudecaria que se le formo, y este instrumento, del que quierar se de á caba una copiá autorizada con unevion ne su hijueda, presupuestor declaraciones y demos que corresponda a fue de que le sirve de titulo legitimo de partencia de su haber, con la cual sin otro acto de aprencion ha de sa visto habace transferio á todos y cada de los dos la posecion y dominio de cuanto los taeo, y de las adjudico y en el intenir se constituya sus inquitinos tenedores y precarios prosedores en legal forma. Y deda aun que en la valuacion de los bienes inventaridas y en la liquidacion deduciones errata y calidad de los aplicados á una y otro herederas, no hebo lasion engano en el mas sive perjuicia por haberse practicado con rectitud y prevara y observado en su distribucion y repartimiente la proporcion correspondiente al haber de cada una en todas sus clares, sin causarle agravios y en caso que lo hago habido ya consista en enos material de cálculo, ó era modo y forma a liquidar, dedicar, aplicar, distribuer ó en otro casa que por obvido ó ignorancia no se hayo tenedo presente se remota y perdonan la cantidad á que asciende en poco o mucha tiennea, de la cual se hacen mutua gracia y donacion pura perfecte é irevocable entreciones con inunciacion y demas firmeron legales y á mayor abundimiente renuncian la ley cuarta del titulo septimo, libro quinto del ordenamente real que trata de lo que se vende y permutu y de otros contrator en que intervenir lesion en mas ó manos de la mitad de lo puso y los cuatro años que presenter para pedir rescision de los refereder contratas ó suplemento al legitimo y verdadero valor de los casas en ellos contenidas como se efectivamente hubiam transu cuido para no aprovechara demas de su aucitio. Y de obligen a que se en algun

tiempo se desenbriesen otros bienas, creditas ó efector por teneriente a la testamentaria de la nominada Doña Francisca Cabasos su defunta madre y tia los dividirán entre se con la misma propocion que los inventariados sin deferencia y con la propia pronaderan y payaran los duedas que oporecieran contra su caudal á todo lo cual hase de poder su compelidas por todo rigor de derecho y via ejecutiva, como equalmente ála paga de cortas daños y perjuicios ya la yu se apoderse de los bienes que se descubran ócasionas á su coheredero, con resistirse a los manifestacion para dividerlo entre ambos ó diferirla maliciosamente ó que por morosidad ne hiciene puntual pagamento de la porcion que le faque de las durdos que oporecieran contra el caudal deferido el importe de tado de su relacion pesada, ó de quien la represente sin otra prueba ni averiguacion, puce de ella de relevan a forma mutuamente y en cumplimento de lo ordenado por la ley norola titulo quienes de la portida serra, se oblegan asimismo á la corecion segundad y saneamento de los bienes respectivemente aplicados á cada una de los dos y á que si algunos de los raicos ó redituables salieron fallidos por pertenecer á tercero ó ala bieron hypotecados y efectos á gravamen á responsabilidad, que por ignorancia por otra causa legal aunque á ya no se especifeque, no se dedujó, le resutegravá de lo que le quyra y deba recasiole y se te le movion pleito sobra ellos ó cualquiere ferica por poco que valga saldra á su defensa requirendoles previamente conforme a derecho y no haciendocelo saber cual termino yu este preforce y de otro sierte y le reguriá a su corte en todas instancie hasta ejecutoriarlo y y dejante en su quieta y pacifica posesion y segura propiedad sin que de su caudal tengo que cartar ni desembolear cantidad lo mes leve; y si una vez requirde y citado de corecion en la manere propuesta no lo sequiese lo ha continuante demandada y no tenor necesidad de interpetarla mas en ningun estado del pleito, pues la primera citacion ha de ser y entenderse perenteria para todo los trametes del precio en cualquiera instancia, y en esta caso se obtubieran sentencia favorable le bonificará y pagara todas los cortos y dañas que se espresen haber espendia cirrogandosele y a lo siga por se valga de otro a quein satisfaja el trabago de su solicitud. Y si fuere condenada y despojada de la ferica ó fincar litigiaras no solo la he de abonar y temptaral de los referedos yartas cortas y daños si no del valor en que las fincas desmembrados le fueros adjudicada y de los fuetos que en virtud de la sentencia haya restituido sin faltas cose alguna, bajo de la propia puesta de ejecucion y costas, quaredon le cuenta entre los dos herederos en atencion á que si los bienes cientieran sin dividirse, saldria todo de la masa comune, y cada una tantomenos persiberia sin que para corimine de su pago y abono le sufra que el que reste imputar a culpa ó negligencia suya la perdede del plieto, pues sobre ello no he de su Oide en fuicio, recepto que lo abandone sin hacer defuerse alguna ó no apele de la divicion condenatoris entienpo y forma, ó que lo comprometa sin precia y opresa anuncia y con sentiménto por ciente ve la coheredores, se ocurra alguna de los otros causas por las

que segun derecho no hay obligacion ála corecion y sancarniente de que tratan los leyes treinte y seis y treinte y siete del titulo quinto partido quinta pues en estos y no su otro sea el que fuere no quedan ne han de su oblegados a clla Igualmente se obligen a no reclamar este escritura ne oponerse a su contesto tatel ni parcialmente ; y se lo intenteren, á mas deno debircle admitir judicial né estrajudicialmente, ha de su virto, por el propio hecho haberla aprobad ratificado y oborgado nuevamente con mayores vinculos y estabilidades.

Y á lu firmese y validacion de cuanto queda referidos obligarar sus bienes y rentas presentes y futuros con podiero y renuncicia á las justicias y tribunales el lo Nacion Mejicana y particulares de este Estado, para que los apremiere a su cumpliménte con el rigor de sentencia consentida y parada en autoridad de cose pesgada á como mas convenga. Asi lo dijeron oborgaron y fermaron siendo testigos Don Demetrio Salvazar, Don Hilario de Meza, Don Joaquin Arguelle veceno y presente.

JOSEPH CABASOS,
MARIE IGNACIO CAVASOS,
RAFAEL GARCIA CAVASOS.

Ante mi, BER. PADRO PABLO PELAEZ,
Escribano publico.

Inventario y taracion de los bienes que quedaron por fallecia mente de Don Blas Marie Garcia lo que hacemos los enfrascriptor por encargo de Doña Maria Ignacio Cavasos, y de Don Rafael Garcia, en representacion de su espose Doña Josefa Cavasos :—

Ciente veinte y unco ya que aburades a 4 pasos,	500 00
Veinte y cinco mas de coballes a tres pasos,	75 00
Un caballo padre en cinco pasos,	5 00
Cartace caballos mansos a dur. pasos,	150 00
Doce mulas de dos años a diez,	120 00
Cartoce mulas de año a seis pasos,	84 00
Cuatro busros nervs a cincuente pasos,	200 00
Cuatro punos a auos paro,	41 00
Cuatro cientos cabasas a Ganado menor a cuatro vider,	200 00
Cuarenta, id. id. a id.,	20 00
Tres yuntes de Bueyes a paradeo en setente y como pasos,	75 00
Cinco vacas manses a sais pasos,	30 00
Mil tresciento tirente y tres Cabazas el ganado indomestico que se gradio de su pertinecie en el agostadero del Espiritu Santo a dos pasos,	2,666 00
El Agostadero de sombresatillo en cuatro cientos pasos,	400 00
Un cuadro de San Jose, y otro menudencias o cia paro,	100 00
Un Jacal, une azuche das quatuies, un arodor, tres hechos y tres gator rejos en cuarente paro,	40 00
Sa ropa de uso a ciente cincuente pasos,	150 00

Un caballo omillada sufrenasto, con cuera adarga, lama ascopell une pistala en setente y muan pasos,	79 00
Une llegre un macho al dos años y un muleto dañe en dus y nueve pasos,	19 00
Une llegua y un macho en nueve pasos,	9 00
Una mula a dies pasos,	10 00
Une yegue su macho y un muleta en veinte y ocho pasos,	28 00
Une yegua en tres pasos,	3 00
Veinte y lirete yeguas a tres pasos,	81 00
Once criar a sus paso,	11 00
Un caballo padre en cinco pasos,	5 00
Una yegua en tres pasos,	3 00
Seis reces en cuatro pasos,	4 00
Un caballo entero en cinco pasos,	5 00
Siete yeguas a tres paso,	21 00
Diez y sieta dichos en cincuente y dos pasos,	52 00
Un burro meso en cincuente pasos,	50 00
Una mela de edad en veinte pasos,	20 00
Cinco marcos cinco onzas de plata a ocho pasos marco,	45 00
Una yegua une mula se de años y una potrem en once peso,	11 00
Veinte y cinco ye ques a tres pasos,	75 00
Un caballo padre en cinco pasos,	5 00
Veinte sitios de tierra en el Agosterado del Espiritu Santo en dos mil pasos,	2,000 00
Total,	7,471 00

Importan los bienos valuados (Talavera) siete mil cuatro cientas setente y un pasos, cuya basacion puramos en debida forma haber hecho segun nuestro leal saber y entender sin dolo fraude ni eneunieste alguna y haber procedid á ella en virtud salo del encargo que nos han hecho los interados que en debida constancie lo firmamos en Matamoros a veinte dia del mes de Junio de mil ochocientos treinta y cinco.

JUAN MANUEL DE LA GARZA FALCON.

Amego de mi padre Don Crisostomo Longoria, y por no seba firmara firmo yo á su nombre.

FRARTAN LONGORIA.

A mas de los precedentes bienes tacados gradaron por fallecimiento de Don Blas Maria Garza segun los declaraciones de fu testamente oborgordo ante el teniente Don Vicente Lopez de Herrera los siguientes.

Cien pasos que quado debiendo de vente Don Matias Ramirez,	100 00
Noventa pasos, id. id., Don Juan Garza,	90 00
Doscientos tres pasos, id. id., Don Domingo Guerra,	203 00

Ciente dos pasos, id. id. D. Cristoval Longoria,	102 00
Treinte y siete de cuatro races y tres aparejos fiador el cubo D. Jose Antonio Casinaro,	37 00
Treinte y cinco pasos que debiar los Señores Ballie de unas races,	25 00
Treinte pasos de cinco se ser fiador a Nepomuceno Cesinero,	20 00
Novente y do pasos que debia el moso Julian Guerra,	92 00
Catoce pasos de dos mulatos fiador a Seldivar,	14 00
Cuarente y siete pasos ya debia Juan Parez,	47 00
Cincuente pasos que debiar verios sugetas segun los liste que presente Gutierres,	50 00
Sesente pasos que debia el negro Matias Gonzales,	60 00
Veinte pasos en par de muletes y una ye que fiador a Juan Moya,	20 00
Cinco pasos de un caballo fiado a Juan Antonio,	5 00
Veinte y cinco pasos que debia Don Augustin Lopez,	25 00
Diez pasos de en caballo de viende fiada a M. Recio,	10 00
Diez pasos de otro, id. id., Miguel Barrere,	10 00
Ciento tres pasos que debia el finado Don Maculo Ramirez de unas bestias,	103 00
Total,	1,013 00
Importan los bienes valuador,	7,471 00
Suma total del invertario,	8,484 00

Declaramas no constar en el nominade testamente de Don Blas de la Garza mas bienes de su pertenencia que los inventariados y endebida constancia le firmamos en Matamoras a 25 de Junio de 1835.

RAFAEL GARCIA CABASOS.
JUAN TREANOR.

Inventario y tarrecion de los bienes que quedaron por fallecimiente de Doña Francisca Cabasos la que hacemos los infrasesitos por encargo de Doña Maria Ignacio Cavasos y Don Rafael Garcia Cavasos en representacion de su esposa Doña Josefa Cabasos.

Diez sitios de tierra no cabales en el agostadero del Espiritu Santo en dos mil quientos,	2,500 00
El Agostadero de Sombreretillo que tiene poco mas de cuatro sitios en ochocientos pesos.	800 00
Medio Solar con un jacal en ciento cincuente pasos,	150 00
Una mesa usade con un banco en tres y medio pasos,	3 04
Un tinajero usade en un pasos,	1 00
Un catre usade en dos pasos,	2 00
Un coletion usador siete reale,	06
Unne caja usada sin llave en doce reales,	1 04
Un reboso azulusade de tres pasos,	3 00

Un caso de plate que paso siete onzas a siete pasos,	7 00
Una cuchara de id., en doce reales,	1 04
Una cruz de pata encasquillado en oro en doce reales,	1 04
Tres tunicos de indiana usado en tres pasos,	3 00
Un retazo de estopilla en algodon en veinte reales,	2 04
Dos colchas de algodon usados en cuatro pasos,	4 00
Una olla de hierro grande en cinco pasos,	5 00
Una id. id. chico en un paso,	1 00
Un caso grande ussalo en cuatro pasos,	4 00
Una ollite chica en cuatro reales,	04
Un sedaro de alambre en sais reales,	06
Un matate con un mano en cuatro pasos,	4 00
Un camal el hierro en dos pasos,	2 00
Un dierno rostreo en dos pasos,	2 00
Un azadon usade en un jaso,	1 00
Una sarten chico en cuatro reale,	04
Total,	3,502 00

Importan los bienes tarados (salvo enos) tres mil quenientos dos pasos, cuya ravasion juramas en debede forma haber hache segun nuestro leal saber y entender sin dalo fraude ni encupurte alguna y haber procido a elle en virtud solo del encargo que nos han hecho los enterasados que en debide constancia lo firmamos en Matamoras in 20 dias del mes el Junio de 1835.

TOMAS DE LA GARZA.
FRANCISCO FERNANDEZ.

A mas de los precedentes bienes tanader perteneciar a la testamentarie a Doña Francisca Cabasos los siguenter. Un derecho en el agostada llamado San Juan de Carrisitas. Y en atro dicho en las tierras de San Jose juridission del Valle del Pilon. Una dueda activa iligendade contra Don Juan Tijerina y sobre lo que hay plieto pendienta. Otra el mil doscientos ciencuente pasos costre la testamentarie de D. Rafael Pariente. Declaramos hajo juramente ya los bienes inventariados son los unicos con que tenemos notecia haber quederra por publicamente de Doña Francisca Cavasos y protestamos que siempre que siempre de otro nuevo los anotasemos para que de ellos se haga la division que corresponde y en debida constancia la firmamos en Matamoros en veinte y cinco de Junio de mil ochocientos treinte y cinco.

RAFAEL GARCIA CABASOS,
JUAN TREANORE.

Sacose de su registro en esta feche a pedimente de parle legitima en cartase fojas utiles de los sellos primero y tercero del bienis coniente quo signo y firmo. H. Matamoros Julio ocho de mil ochocientos cincuenta y seis. Enmendedo. Rimio. Jale.

JOAQUIN ARGUELLA, Gno.

Dros con lo Escrito y buscer doce p's:—
Paper, $14. En todo, $26.

On this 28th day of the month of April, 1857, I compared the foregoing twenty-eight pages with the original, which was in the possession of Joaquin Argüellas, who is a notary public in Matamoros, Mexico.

ISRAEL B. BIGELOW.

Particion de los bienes que dijo Da. Francisca Cavasos, entre su hermana Doña Maria Ignacio Cabasos y su sobrine Doña Ma. Josefa Cavasos.

El ciudadano Jose Secundino Mara, vecino de este Villa de Matamoros contador nombredo uniformemente pr. Dn. Juan Treanor como opadorado de Doña Maria Ignacio Cabasos y de Dn. Rafael Garcia en representacion el su Esposa Da. Maria Josefa Cabasos Ynstituiedos por unicas herederos el Doña Francisca Cavasos en el testamente que formalers en este Villa a veinte y siete de Octubre de mil ochocientos dies y ocho y á la falte de Escribano ante el Alcalde Don Ramon Garcia con tres testigos instrumentales que lo fueron Don Cayetano Medrano, Don Juan Longoria y Garcia, Don Pedro Serda y de asistancia Don Jose Arto. Gonzeas y Don Jose Cayetano Pinada, hajo del cual fallecio, cuyo encargo tengo aceptado y acepto, nuevemente en ceso necesario hayo liquidacion zuenta y particion do tedos los bienes, Creditas caudel y efectos que dijo la espresade Doña Francisca entre sus herederos en y renuncia reconocimiento y esempulon examen de la testamento Munterio formalisado y de papeles reletivos concernientes á su evacuacion y para su mas perceptible inteligencia delo hacer los imposicion Seguentes.

Resulta contra la testamenta. de Doña Francisca Cavasos el quieste de los bienes de su marido Don Blas Ma. Garza legado por este á Doña Maria Josefa Cabasos y como para saber á que unsende en legado es necesarie hacer division y particion de los bienes que dijo el citado Garza por no haberlo hecho Dona Francisca se hasa primero esta lequedacion de los bienes que declara el testimente y á mes veinte sitios de tierra que no especifica y que tambien dijo segun constancia. Sobre el testamento de Don Blas Maria Garza.

Don Blas Marie Garza fallecio en esta villa bajo el testamente que habia olorgado a los cuatro diez del mes de Mayo de mil ochocientos dos; á falta de escribano ante el Teniente. Don Vicente Lopez de Herrera con tres testigos instrumentales que lo fueron Don Jose Cayetano Giron, Don Calisto Ayala y Don Blas Maria Fancon y de asistancie Don Don Cayetano Medrano y Don Jose Vicente Lopez por el cual despence de hacirla protestacion de la fé é movio el patrocino de los Santo mando que en cuerpo se Sepultare en la Yglecia de esta costa cerca de la primer grada, donde lo cojiesa el mal de la muerte amortajado con el avito de N. T. P. S. Francisca y que se entierro fuere mayor aunque humiule. Yo el Greinte de sus bienes a Dona Maria Josefa Cabasos declaro que cuendo controjo matrimonio con su esposa Doña Francisca Cabasos no introduyo cosa alguna, por que su herencie paterna se hallaman comunida con

los bienes de su madre y que hasta aquella fecha solo habia recebido dos cajas, un almeses y un relicario de cesa de anmas dorado: que su diche esposa introdujo cuarenta y cinco yeguas sus potrancas de dos años, dos bienos mesos, un caballo maneo tres potros capones de edad sus otro entasos de dos años quince potrillos y potrancas de herra dos caballos para padres, dies bacas y cuatro tosos. Mando se cobran lo que le debian y se pogase lo que estubier debiendo; todo lo cual enumero y espuso resultacie de sus apuntes y de los libros de algunas sujetos que cita en sus declaraciones. Nombre por sus testamentariz con faculta para tedo en el termino del derecho al Señor Br. Don Nicolas Balli y a Don Francisco Cavasos, y a Don Blas de la Garza Falcon, instituyo por su heredera henivesal a su espose Dona Francisca Cavasos y recibo y anulo tador las disposicione testamentariz y anteriormente tubiera hecha, que es cuanto soes tancealmente resulta del pronotado acetamente que a este efecto tubo presente.

Sobra el invintuno formalisado lequedacion divicion del cauda inventarriado.

Don Blas Maria de la Garza en su testamento otorgada en esta Villa y bayo del que fallecio dijo por heredera a su esposa D.a Francisca Cavasos y lego el quinto á su sobrina Doña Maria Josefa Cabasos su heredan entro en pocesion y que de los bienes sin hacer inventario ni entregar el quinto a Doña Josefa en todo el tiempo que sobrevicio á su marido apora de los valamos que para ello si le hicieron, por tal motivo Doña Josefa y la madre de esta, Aquion Doña Francisca ha dejado de heredero hase combenido en que dicho quente si considera y tenga como cluiva contra le testamentario de Doña Francisca y que p'r cuanto para saber á lo que ascion el quierte necesario sebor el valor de los biens ya dejo Don Blas, lan conbenido en que se tacun estos p'r Don Crisostomo Longorio y Don Manuel Falcon con arreglo á las declaraciones que cuestan en el mismo testamento y su arreglo tambien al valor que leniar cuando el Murio habiendo procededo al uvaluo resulta que el importe de los bienes Aserenda á ocho mil cuatrocientos ochenta cuatro pasos segun comta en el cuerpo de hacierde de lo que con arreglo al mismo testamento debus deducine cuatrocientos veinte y tres pasos en que se baluaron las bienes introducidas por su muger, mil seiscientos sesente tres pasos seele v's delas dudas pocivos con traidas durante el matrimonio que por esta satisfachos no si forma hijuele de ellas y dos mil dies y siete pasas por valor de veinte sitios de tierra que se adjudicarse los Albanas de su Madre por su matrimonio de la parte paterna cuyas tres pe stidas componen cuatro mil ciento tres pasos siete v's y bajados del total resulta de gananciales cuatro mil trescientes ochenta pasos unr'l partible entre ambos con igualdad, cuya metad son dos mil ciento noventa pasos sus y que unidos al capital de Don Blas es su tatu haber cuatro mil doscientos siete seis q'r cuy quento son ochocientos cuarente y un pasos tres v's tres qr'e bajado este resultan de caudal hyceulo tres mil trescientos sesente y cinco pasos

una la tres qr's p'a herencia con arreglo á lo cual procedo á forma el cuerpo de haciende iquidacion y revision de el su la forma sig'tt.

Cuispo de hacienda.

Se pronen p's caudal quinientos ochenta pasos en que valuarar ciento veinte y cinco yequas Aburradas y veinte y cinco mas con un—	
Caballo Padre, gs., comta en la p's declaracion,	$581 00
Ydem cierto cuarente pasos de catorce caballas (constan en la declara con. nouve),	140 00
Ydem cinto veinte parod doce mulas (declar'on lo),	121 00
Ydem ochenta y cuatro pasos de laton muletas (declaracion 11),	84 00
Ydem setenta pasos de tres mulas (D. 12),	78 00
Ydem doscientos pasos de cuatro burras med (D. 19),	200 00
Ydem cuareta pasos de carta bien (D. 14.)	40 00
Ydem doscientos pasos de cuatrocientos Cabasos ganado menor (D. 19),	200 00
Ydem veinte p's de cuarente abussnus (D. 16),	20 00
Ydem ciento cinco pasos de yuntas de buayos operadas y cinco lacas manez (declaracion 17),	105 00
Ydem dos mil seiscientos sesente y seis pasos de mil trescientos treinte y tres Cabasos de ganado indomativo (Declaracion 18),	2,666 00
Ydem cuatrocientos pasos de la tierra de Sombrese litto (D. 19),	400 00
Ydem cien pasos de un cuadro de San Josa otros monudencia (Declaracion 20),	100 00
Ydem cuarente pasos de un jacal una Arzuala dos quebios un Arzudon tres hachas y tres gatas nujas (Declaracion 21),	40 00
Ydem ciento cincuente peso de la rapide uso (Declaracion 22),	150 00
Ydem setenta y nueve peso de un Caballo ensiada enfrenalo, concuera adarga lanza escopata, una pestola g'a (Declaracion 23),	79 00
Ydem dies y nueva pasos de un yegua un macho y un muléto (D. 24),	19 00
Ydem nueve pasos de un yegua y un macho (Declaracion 25),	9 00
Ydem dies pasos de una mula (Declaracion 26),	10 00
Ydem veinte y ocho pasos de una yegua y una mula y un muléto (D. 27),	28 00
Ydem tres pasos de una ye qua (D 28),	3 00
Ydem noventa y siete pasos de veinte y siete yequas once crias y un caballo padre (D. 29),	97 00
Ydem cien pasos de la renter que debia D'n Matias Ramises (D. 30),	1 00

Ydem tres pasos de una ye que (D. 31),	3 00
Ydem noventa pasos de la renta ye debia Don Juan Garza (Declar'on 32),	90 00
Ydem doscientos tres pasos de la renta que debia D'n Domingo Garza (D. 33),	203 00
Ydem veinte y nueve pasos de sus mes y un caballo enteso (Declar'on 34),	29 00
Ydem ciento dos pasos de la renta que debia D'n Cristoval Longa. de doce pasos mas en plata efective (D. 35),	102 00
Ydem treinta y siete pasos de cuatro roces tres aparyos (Declar'on 36),	37 00
Ydem veinte pasos de cinco reces (D. 37),	20 00
Ydem veinte y cinco de les reces que porcibieron los Sns. Ballenes (D. 38),	25 00
Ydem novente y dos pasos del mosa T. G. (Declaracion 39),	92 00
Ydem certace paso de un por mulas (D. 40),	14 00
Ydem cuarente y siete pasos que debia Juan Parez (Declaracion 41),	47 00
Ydem veinte pasos de un por de mulétas y una yegua (Declaracion 42),	20 00
Ydem veinte y un pasos de siete yeguas (Declaracion 43),	21 00
Ydem cincuente y pasos de diez y siete yeguas (Declaracion 43),	52 00
Ydem cincuente pasos que Sebion varias sujetos segun lista presentada p's Don Antonio Gutierres (Declaracion 45),	50 00
Ydem setenta pasos de un burro mero una mula el edad (D. 46),	70 00
Ydem setenta pasos que debia el negro Matias Gonsales (Declar'n 47),	60 00
Ydem dies pasos de un caballo (Declaracion 48),	10 00
Ydem dies pasos de otro dicho (D. 49),	10 00
Ydem cincuenta pasos de cinco marcos cinco consas de plata y un caballo (Declaracion 50),	50 00
Ydem once pasos de una yegua una mula de dos años y una potranca (Declaracion 63),	11 00
Ydem ciento cinco pasos de veinte y cinco yeguas un caballo padre y veinte y cinco pasos en dinero efectivo (Declar'on 66),	105 00
Ydem ciento tres pasos de cinco bestias mansas y una yegua (D. 67),	103 00
Ydem dos mil pasos de veinte sitios de tierras que no especifica el testamto. y que aparesen de su propiedad,	2,000 00
Totâl impts. del caudal inventariado	8,484 00

Asiendo el caudel inventariado de Don Blas Maria Garza (seles enos) a ocho mil cuatrocientos ochente y cuatro pasos segun Aparece de la Suma general de los cuarente y siete partidas anteriorio y de ellos se haccen las deduciones siguientes.

Bajas Comunes ó generales.

Se bajan del cuerpo del caudal inventaria cuatro cientos treinte y tres pasos en que se valuaron los bienes que llevó en date a su matrimonio Doña Francisca Cabasos,	423 00
Ydem mil seiscientos sesente y tres pasos siete rs. de las duedas contraides durante su matrimonio con su defunto marido segun comte de las declaracios del testamente gs. por estar ya pagados no si individualisar,	1,663 00
Ydem dos mil dies y siete pasos en que se valuaron los vienes que recibio Don Blas durante su matrimonio de herencia paterna y materna,	2,017 00
Total de bajas,	4,103 07

Ymportan las bajas comunes hecho del caudal inventariado cuatro mil ciento tres pasos siete rs. que sestados de los ocho mil cuatrocientos ochente y cuatro inventanados resultan de gananciales cuatro mil tres cientos ochente pasos en real partibles entre ambos, con igualdad; cuyo mitad respectiva á cada uno son dos mil ciento novente, pasos sus granos ps. lo que se procede á liquidar el haber de Don Blas y hacer las deduciones correspondientes.

Haber de Don Blas Ma. Garza.

A Don Blas Maria Garza y en su representacion á su esposa tocan por el capital y herencias paterna y materna introducedas durante su matrimonio,	2,017 00
Ydem ps. su mitad de gananciales dos mil ciento novente pasos seis gs.,	2,190 69
Total haber liquido,	4,207 69
Ymporte el quinte de estes,	841 33
Gueda para herencie,	3,365 53

Comparacion de esta cuente.

Por el importe de las duedes contre el caudel,	1,663 07
Por el importe de los vienes introducidos ps. su muger,	423 00
Por la mitad gananciales,	2,190 06
Perteneciente á dichas,	841 33
Por el quinte aplicable a Doña Maria Josefa Cavasos, por el liquido pa. herencie,	3,365 53
Total caudal,	8,484 00
Ymporta el inventario,	8,484 00
Ygual,	0,000 00

Sobre el testamento de Da. F. Cavasos.

Doña Francisca Cavasos fallecio en esta villa bajo el testamento que habia otorgado á los viente y siete dias del mes de Octubre de mil ochocientos dies y ocho á falta de escribano ante el alcalde de esta congregacion Dn. Ramon Garcia con tres testigos instrumentales gs. lo fueron Dn. Cayetano Medrano, Don Juan Longoria y Garza y Don Pedro Serda y de Asista. Don Antonio Gonzales y Don Jose Cayetano Pinada; por el cual despues de hacer la protestacion de la fé é invocar el patrocinio de los Santos, mandó que su cuerpo se amostajan con el avito de Nuestro Señor Padre San Francisco y que su entierro fuera mayor aunque humolel y sin pompa que su cuerpo se Sepultaran la Santa Iglecia de esta congregacion ó en donde lo coquenal mal de la muerta sevca de la primer grader Nombro ps. sus testamentarios con facultad para todo en el termino del derecho ó su hermana Doña Maria Ignacio Cavasos y á sus Sobrenas Doña Maria Josefa y Doña Bartola Cabasos. Ynstituyo por sus herederos á su diche hermana Doña Marie Ignacio Cabasos y á su sobrena Doña Marie Josefa Cabasos y revoco y anulo todos las dispocesiones testamentaria que anteriormente tubiera hechas que es cuanto sustancialmente resulta del prenotado testamento que á este efecto tuve presente.

Sobre el Inventario Formilizada y Liquidacion del Caudel Inventaria.

Habiendo fallecido Doña Francisca Cavasos se conbiniasor sus herederos en que se hicèr la liquela de divicion y particion con arreglo al inventario y particion haeba ps. Don Tomas dè la Garze y Don Francisco Fernandez nombrados por las mismas interasadas de la que resentar ascender el valor de los vienes a 3,531 pasos en este forma; 3,300 pasos en cartase sitios de tierre; 150 pasos en medio solar y un jacal; 29 pasos en de ners efectos; 52 en muebles y rapa de uso; cuyas cuatro partidos suman (salos enas) los mucionados tres mil quinientos treinta y un pasos total importe del caudal inventariados por muerte de Doña Francisca Cabasos de los que deducide ochocientos cuarente un pasos tres N. tres granes del quinto de los bienes de su esposa que ps. legado de este pertenece á Da. Josefa Cabesos 1,382 pasos 6 rs. 6 grs. del redito correspondient a este cantidad duda el 15 de ag'ts de 1,802 hasta esta ficha que la ha setenedo en su poder 118 pasos 1 rl. importe del funeral y entierra, cuyas tres partidas componen 2,342 pasos 3 rs. 3 grs. y bajados del total quedan 1,188 pasos 4 rs. 9 grs. pa. herencie con arreglo a lo cual procede a formar el cuerpo de harenada liquidacion y deducion de el en la forma seguente.

Cuerpo de hacienda.

Se ponen por caudal tres mil trescientos pasos en que han valud cartoce citios de tierra en el Agostadero del Espiritu Santo y Sombreretillo, 3,300 00

Ydem ciento cincuente pasos en ya se aprecio medio solar con un jacal, 150 00

Ydem cincuente y dos pasos de los muebles y ropa de uso, 52 00

Ydem veinte y nueve pasos en dinaro efectivo, 29 00

Total importe del caudal inventariado, 3,531 00

Asiendo el caudal inventariado ps. falleciento de Doña Francisca Cabasos (salos enos) á tres mil quinentos treinte y un pasos segun apasos de la suma general de los cuatro partidas anteriores y de ellas se hacen las deduciones seguientes.

Bajas comunes ó generales.

Se bajan del cuerpo del caudal inventariado ochociento cuarente y en pasos tres reder y tres granos del quinte de los beines de su esposa que ps. ligado de este pertenece Da. Maria Josefa Cabasos, 841 3 3

Ydem mil trescientes ochenta y dos pasos sies rs. y seis grs. del redito correspondtt. á esta cantidad dude el 15 de Agto. de 1802 hasta esta fecha gs. los ha retenedo en su poda, 1,382 6 6

Ydem ciento dies y ocho pasos en real y seis granos importo del funeral y entierro, 118 1 6

Total de bajas comurses, 2 342 3 5

Ymporten las bajas comunes hechas del caudal inventariado dos mil trescientos cuarente y dos pasos tres reales tres granos que rectados de los tres mil qui nientos treinta y un pasos quedan mil ciente ochenta y ocho pasos cuatro reales y nueva grs. pa. herencia entre ambos ps. iguales partes ps. lo que se procede a liquidar el haber de cada una en la forma Sigtt.

Resumen y liquidon. de la que toca a cada uno de los inventarados en esta particor ps. todos sus derechos.

Haber de Da. Ma. Ygna. Cabasos.

Doña Maria Ignacia Cabasos hermana de Francisca Cabasos debe haver ps. su herencia quinientos noventa y cuatro paso dos rs. ciento y medio gs. 594 2 4½

Arionde el haber de Da. Ma. Ignacia Cabasos ps. su herencia a quinientos noventa y cuatro pasos dos rs. cuatro y media granos de los cuales se le hace payo con los vienes sequenta.

Adjudicacion y pago.

Se aplica a Doña Ignacia Cabasos el Agostadero de Sombresetillo pr. la cantidad ochocientos pasos en que se valuo pa. paga de los quinientos noventa y cuatro pasos dos dor reales cuatro y medio granos a para que paque ciento seis y ocho pasos uno y madie rs. de los yartor del funeral y entreno y el memarrante que son ochenta y siete pasos cuatro reales uno y medio granas o Doña Josefa Cabasos, 800 00

Total de bienes aplicados, 810 00
Total habar suyo, 594 2½

Aleance a favor de la Testamentario, 205 5 1½

Haber de Doña Josefa Cabasos.

Doña Josefa Cabasos Sabrina de la difunta Doña Francisca, debe haber pr. el quinte de los bienes de Don Blas que aquella retuvo un su poder, ochocientos cuarenta y un pasos tres reales tres granos, 841 3 3

Ydem p'r el redite correspond'te á este cantidad á un cinco p's ciento dude el 15 de Ag'to de 1802, hasta esta fecha, mil trescientos ochenta y dos pasos seis r's seis g's, 1,382 6 6

Ydem p'r su herencie quinientos novente y cuatro pasos dos de cuatro y medias, 594 2 4½

Total haber de D'a Josefa, 2,818 4 1½

Importa el total haber de Doña Josefa Cabasos dos mil ochocientos diez y ocho pasos cuatro reales cinco y medio granos de los cuales se le hace paga con los bienes sequientos.

Adjudicacion y paga.

Sedan en pago a D'a Josefa Cabasos dies sitios de tierra no Cabales en el agostadero del Espiritu Santo valuados en dos mil quincentos pasos, 2,500 00

Ydem medio solar con un jacal cito en esta villa tasado en ciente quinientos, 150 00

Ydem varios muebles y ropa de uso en cincuenta y dos pasos, 52 00

Ydem veinte y nueve p'r en dinero efectivo, 29 00

Ydem ochenta y siete pasos cuatro reales una y medio gr's debe entregale Madre Doña Ignacio Cabasos p'r cuenta de esta testamentarie, 87 4 1½

como tambien los daños que esperimente se deberan tener p'r manas caudal, y la otra participe bonificale sin escrisa su respectiva parte

de modo que quede enteramente tancada del valor principal de ellas y de los perjuicios; pero deberá segun y defender el plieto que subsiate citando de evicion conforme á derecho, y no de esta suerte á los demas interesados y hasta que se ejecuisne no tendra derecho á netastar el regnio á repeticion.

6a. Se declara que no ecsistiendo los quisisentos pues de que habla la clausa la por quedan los herederos en obligacion de paga p'r mitar las mandos forrosas de que se halla en ella debiendo darce dos reales p'r cada una.

7a. Y ultimamente se declara que los gartos de inventario, laracion, particion testimonio de las adjudicaciones que se han de dar a los enteresados, papel gastado y demas diligencia g's ocurran hasta la entera evacuacion de todo no van considerados, ni deducidos y que deberan pagarse con la proporcion de tres quintas partes p'r D'a Josefa Cabasos y las otras dos p'r D'a Ignacia Cavasos. Con cuyas declaraciones concluyo esta particion que con arreglo a los documentos que se manifestaran y devolvi á quien me los entregó, bajo el juramente hecho efecuti bien y fielmente segun me entiligencia, sin causar agravio á los interesados á treinta de Junio de mil ochocientos treinta y cinco.

JOSE S. MORA,
Aprobamas esta cuenta.
JOSEFA CABASOS,
RAFAEL GARCIA CABASOS,
Aprovo esta cuenta divisona.
MARIE YGNACIA CABASOS.

El Escribano Publico que al calce signo y firmo.

Certifico y doy fé que la copia presedente esta fiol y tigralmente sacada de su original que se halla potocolada en el registro de escritura publicas del año de mil ochocientos treinta y cinco de conformidad de los partes interesados en la particion, á que me remito. Yá pedimente de Don Juan Treanor como apoderado de las interesados, he mandado sacar la presente en once fojas utiles inducive esta, todas del sillo cuarto del bienes corriente. Matamoros, Agosto doce de mil ochocientos cincuenta y dos años.

JOAQUIN ARGUELLES,
Es'no Pu'c.

Papel dos p's Dro's Seis p's.

Act of Partition.

(Translation of Partition, &c. of Doña Francisca Cabasos' Estate.)

In the town of Matamoros, on the third day of the month of July, one thousand eight hundred and thirty-five, the twelfth of the installation of the Congress of this State, before me, the notary public, and witnesses, appeared, present, Doña Maria Ignacia Cavasos, a resident citizen of the town of Reynosa, and Don Rafael Garcia,

who is so of this town, as the husband and married representative (conjunta persoña) of Dona Josefa Cabasos, and said: That Dona Francisca Cabasos having died in this said town on the twenty-ninth of May last, the parties under the testament which she had made on the twenty-seventh of October, one thousand eight hundred and eighteen, before the alcalde, Don Jose Ramon Garcia, who was so of this same town, and assisting witness, for want of a notary public, with the competent number of instrumental witnesses, and by which she instructed as her universal heirs the aforesaid Doña Maria Ignacia and Doña Josefa Cabasos, the first her sister, and the last her niece, accepting her inheritance, with benefit of inventory, proceeds extrajudicially and amicably, on account of being of age, and with the intervention of D. Juan Treanor as special attorney in fact of the one, and D. Rafael Garcia as lawful husband of the other, to the enumeration (facion) of all the goods, credits, property, and effects which were found belonging to the estate, which were valued by the respective experts, whom they unanimously chose; that the said inventory having been taken to their complete satisfaction, and as such they approve it anew, and considering that to name judicial accountants for the division would occasion increased expenses, they determined to make by themselves the appointment of a person of sound information, and worthy of their mutual confidence, who, in accordance with it, proceeded to draw up the corresponding statement of the division (devisiones), which they also approve of in all its parts; and in order that the aforesaid extrajudicial partition may have the force, stability, and validity that the interested parties desire in it, in the most effective mode and form admitted by law, being informed of their powers, by their free and spontaneous consent they declare that they approve, ratify, and acknowledge as done in proper form and with the proper requisites; and if necessary, they go over again (formalvzan de nuevo) the aforesaid partition, with its preliminaries, inventories of the estate, deductions and adjudications, declarations, and all the rest that it contains; and that they acknowledge as delivered to their satisfaction the property set off for each one of the aforementioned heirs respectively, and as its delivery does not appear, although it has been certain and real, as they confess they renounce the exception which, on account of its not having been done, they might raise, the ninth law of the first title of the fifth partida, which treats of it, and the two years that it fixes for the proof of its receipt, which they acknowledge as having passed as if they really were so, and they make in favor of each other the most effectual receipt and defence which may conduce to their security; and in consequence, they divest of power, desist, abandon, and renounce, for themselves and their heirs and successors, the dominion, property, possession, title, claim, resource, or any other right which belongs to them jointly (indistinctamente), or could belong to them, whilst their joint estate existed in the aforesaid property, and each individual thing of the inheritance, and they each

renounce and transfer it all entirely and reciprocally, together with the real, personal, possessory (utilos), mixed, direct, executory, and other actions which may belong or have belonged to it (in the property), or any single article (alaja), without the least reservation, seeing that they have satisfied and reinstated each other by what has been set off to her in the full amount of her part belonging to the inheritance of their aforesaid sister and aunt, on which account such actions as they had during the joint estate are satisfied, extinguished, and at an end, because they have been compensated by them by such division, and they confer on each other the most ample, elaborate, firm, and irrevocable power that they require, with the free, unembarrassed, and general administration, and the power of substitution, and constitute each other attorneys and principals (procuradores actores) in their own business, in order that each one of the heirs may take and appropriate the real holding and possession of the property that has been adjudged to her in the aforesaid division, and may sell, exchange, use, and dispose of it at her pleasure and election of her own property, acquired by a just and lawful title, as indeed it is, by the adjudication which has been made to her, and by this instrument, an authorized copy whereof they desire should be given to each one, inserting its statement of partition preliminaries, declarations, and the other matters thereto appertaining, in order that it may serve them as a lawful title to their portion, with which, without any other act of possession (a puncion) it may be seen that they have transferred to both and each of the two the possession and dominion of whatever has fallen and been adjudged to them, and in the mean time they constitute each other their lessees, tenants, and temporary possessors (precaesias posedores), in legal form, and they declare that in the valuation of the property included in the inventory, and in the liquidations, deductions, amount, and quality of that set off for either of the heirs, there is no lesior, deceit, nor the slightest injury, since this has been done with integrity and honesty, (*pureza*), and the proportion corresponding to the part of each one in all its classes has been observed in this distribution and division without injury to them, and in case this should have happened, whether it be committed as a material error of calculation, or in the mode and form of liquidation, deducting, setting off, distributing, or in anything else which, through forgetfulness or ignorance, they may not have had in mind, they remit and release to each other the amount, whether it be great or little, to which it rises, of which they make to each other a mutual gift and donation, pure, perfect, and irrevocable, between the living (*entervinas*) by this public declaration (*coninsiémacion*) and all the other bonds of the law, and for greater abundance they renounce the fourth law of the seventh title, book fifth, of the royal ordinances (*real ordinameinte*) which treats of things sold and exchanged, and of other contracts in which there is lesior in a greater or less amount than the half of the value, and the four years which it prescribes for demanding a recession of the

aforesaid contracts, or the making up of the legitimate and true value of things contained in them, which (*i. e.* the four years) they acknowledge as part, as if they had actually elapsed, in order never to avail themselves of aid from them, and they bind themselves that if at any other time, any other property, credits, or effects shall be discovered belonging to the estate of the aforesaid Doña Francisco Cavasos, their deceased mother and aunt, they will divide them between themselves in the same proportion as those in the inventory without any difference, and with the same mode of estimating their shares, and they will pay the debts which may appear against the estate to all which they may be compelled by the full rigor of the law and executive process, as well as the payment of the costs, injuries, and damages which she who may take possession of the property which may be discovered, may occasion her co-heir by resisting its production in order to divide it between both, or by delaying it maliciously, or by not making, through any ill-humor, punctual payment of the part belonging to her, of the debts which may appear against the estate, in the amount of the whole being stated in the account, sworn to by her co-heir, or any one who may represent her without any further proof or authentication, since they mutually dispense with it, and in pursuance of what is ordered by the ninth law, fifteenth title of the sixth partida; they bind themselves also for the eviction, safety, and soundness of the property set off to each one of the two respectively, and that if any of the real or leasehold (*productive*) property (*i. e.* that which brings in an income or profit, redituable) should fail on account of belonging to some third person, or should be mortgaged or encumbered by some burthen or liability not here set down, through ignorance or any other legal cause not herein expressly stated, the other heir shall reimburse for what she loses, and what ought to be repaid to her, and should a suit be brought as to such property or any part thereof (*cual queira finca*), however little it may be worth, she shall appear for its defence, upon there being required in conformity with law, and on the other hand, if one does not inform the other within the limit which the law provides, the negligent party shall pursue the suit at her own cost in all courts, until execution and until the other is left in quiet and peaceable possession without having to expend or disemburse the smallest amount, and if, when once requested and cited in eviction in the manner before stated, she should not prosecute the suit, the defendant must continue it, and shall not be obliged to summon her again in any stage of the cause, since the first citation must be, and be understood to be, peremptory as respects all the suits in any court, and in this case should she obtain a favorable sentence she shall receive and be paid all the costs and damages stated to have been or exacted of her, whether she pursues the suit by herself, or avails herself of the aid of another, whom she may satisfy for the trouble of her case. And should she be deprived of the estate in litigation, she must not only compensate and reimburse her for the

aforesaid expenses, costs, and damages, but also for the value at which the estates lost were set off to her, and of the fruits which she may have restored by virtue of the judgment, without the slightest diminution, under the penalty of execution and costs against the party failing, the account between the heirs being balanced upon the understanding that if the property existed without being divided, the loss would all come out of the common mess, and each would receive so much less, and neither, in order to excuse herself from contribution and payment, shall to impute the loss to the fault or negligence of the other, since she shall not be heeded as to this in the courts, unless the other shall abandon the suit without making any defence, or shall not appeal from an adverse decision at the proper time and in due form, or shall compromise it without the express previous assent and consent, in writing, of her co-heir, or be liable to some of the other causes by which, according to law, there arises no obligation or eviction for compensation, of which the thirty-sixth and thirty-seventh lines of the fifth title of the fifth partida treat, since in these cases and not in any other whatsoever it may be, they are not, nor can they be bound by such obligations; and they also bind themselves not to object to this instrument, nor to oppose its contents in whole or in part, and if they should attempt it besides, they ought not to be admitted to do so judicially nor extra-judicially; they shall, moreover, be considered by this very act to have approved, ratified, and granted it anew, with greater obligation and effect, and for the confirmation and validity of all things hereinbefore set forth, they bind their property and revenues, present and future, with complete and full submission (con poderes y sumicion) to the judges and tribunals of the Mexican confederacy, and those of this State, in order that they may compel them to their fulfilment, with the rigor of a judgment by consent invested with the authority of a final sentence (casa Jusgado), or in whatever may be most suitable, so they have said, granted, and signed—D. Demetrio Salazar, D. Hilario de Merza, and D. Joaquin Arguilles, resident citizens here present being witnesses. Josefa Cabasos, Maria Ignacia Cabasos, Rafael Garcia Cabasos.

Before me, BACH. PADRO PABLO PELAEZ,
Notary Public.

Inventory and appraisement of the assets that remained at the death of Don Blas Marie Garcia, which we, the undersigned, make under the direction of Doña Marie Ignacio Cabasos and Don Rafael Garcia, representing his wife, Doña Josefa Cabasos.

One hundred and twenty-five mares, tended by jackasses, at 4 dollars,	500 00
Twenty-five others, tended by a horse, at three dollars,	75 00
One entire horse, at five dollars,	5 00
Fourteen gentle horses, at ten dollars,	140 00
Twelve two years' old mules, at ten,	120 00
Carried forward,	840 00

Brought forward,	840 00
Fourteen yearling mules, at six dollars,	84 00
Three grown mules, at seventy dollars,	70 00
Four proof jackasses, at fifty dollars,	200 00
Four jennies, at ten dollars,	40 00
Four hundred head of sheep and goats, at four reals,	200 00
Forty do. do., at do.,	20 00
Three yokes of oxen, with their gearing, at seventy-five dollars,	75 00
Five gentle cows, at six dollars,	30 00
One thousand three hundred and thirty-three head of wild cattle, which was estimated as his property, on the land of *Espiritu Santo*, at two dollars,	2,666 00
The land of *Sombreretillo*, at four hundred dollars,	400 00
One painting of Saint	
Carried forward,	4,625 00
Brought forward,	4,625 00
Joseph, and other small things, at one hundred dollars,	100 00
One house (jacal), one adze, two grubbing hoes, one hoe, three axes, and three plough points, old, at forty dollars,	40 00
The wearing apparel, at one hundred and fifty dollars,	150 00
One horse, saddle, and bridle, a leather jacket shield, lance, musket, a pistol, at seventy-nine dollars,	79 00
One mare, one horse mule (*macho*) two years old, and one young mule, a year old, at nineteen dollars,	19 00
One mare, and one horse mule (*macho*), at nine dollars,	9 00
One mule, at ten dollars,	10 00
One mare, one horse mule (*macho*),	
Carried forward,	5,032 00
Brought forward,	5,032 00
and one young mule, at twenty-eight dolls.,	28 00
One mare, at three dollars,	3 00
Twenty-seven mares, at three dollars,	81 00
Eleven colts, at one dollar,	11 00
One entire horse, at five dollars,	5 00
One mare, at three dollars,	3 00
Six beeves, at four dollars,	24 00
One entire horse, at five dollars,	5 00
Seven mares, at three dollars,	21 00
Seventeen do., at fifty-two dollars,	52 00
One proof jackass, at fifty dollars,	50 00
One grown mule, at twenty dollars,	20 00
Five marks five ounces of silver, at eight dollars a mark,	45 00
Carried forward,	5,380 00

Brought forward,	5,380 00
One mare, one mare mule (*mula*) two years old, and one filly, at eleven d.,	11 00
Twenty-five mares, at three dollars,	75 00
One entire horse, at five dollars,	5 00
Twenty leagues (*sitios*) of land in the estate (*Agostadero*) of the *Espiritu Santo*, at two thousand dollars,	2,000 00
Total,	7,471 00

The assets valued are worth (errors excepted) seven thousand four hundred and seventy-one dollars, which appraisement we swear in due form to have made according to our true knowledge and understanding, without guilt, fraud, nor secrecy of any kind, and to have proceeded to it only by virtue of the trust which the interested parties have conferred upon us; that in due proof we sign it, in Matamoros, on the twentieth day of the month of June, one thousand eight hundred and thirty-five.

JUAN MANUEL DE LA GARZA FALCON.

At the request of my father, Don Crisostimo Longoria, and because he does not know how to sign, I sign in his name.

FRAILAN LONGORIA.

In addition to the foregoing assets appraised, there remained, on the death of Don Blas Maria Garza, according to the declarations of his testament executed before the Lieutenant (*teniente*) Don Vicente Lopez de Herera, the following:—

One hundred dollars that Don Matias Ramirez remained owing for rent,	100 00
Ninety dollars do. do. Don Juan Garza,	90 00
Two hundred and three dollars do. do. Don Domingo Garza,	203 00
One hundred and two dollars do. do. Don Cristoval Longoria,	102 00
Thirty-seven dollars of four beeves and three pack saddles sold on credit to the Corporal D. Jose Antonio Cisnero,	37 00
Twenty-five dollars the *the Lenares Balleo* owed for more beeves,	25 00
Carried forward,	557 00
Brought forward,	557 00
Twenty dollars for five beeves sold on credit to Neponneceno Cisnero,	20 00
Ninety-two dollars that the servant Julian Grierra owed,	92 00
Fourteen dollars for two young mules sold on credit to Saldivar,	14 00

Forty-seven dollars that Juan Perez owed,	47 00
Fifty dollars that, according to the list that Guetierez presented, sundry persons owed,	50 00
Sixty dollars that the negro, Matias Gonzales, owed,	60 00
Twenty dollars a pair of young mules, and one (yegua) sold on credit to Juan Mere Moya,	20 00
Five dollars for one horse sold on credit to Juan Antonio,	5 00
Twenty-five dollars that Don Augustin Lopez owed,	25 00
Forward,	890 00
Brought forward,	890 00
Ten dollars for a horse, bridle reins, sold on credit to M. Recio,	10 00
Ten dollars for another do. to Meguil Barrera,	10 00
One hundred and three dollars that the deceased Don Manuel Ramires owed for more animals,	103 00
Total,	1,013 00
The appraised assets are worth,	7,471 00
Total amount of the inventory,	8,484 00

We declare that we have not comprised in the said appraisement of Don Blas de la Garza more of the assets of his property than those inventoried, and in due proof we sign it in Matamoros, the 25th of June, 1835. RAFAEL GARCIA CABASOS,
JUAN TREANOR.

Inventory and appraisement of the assets which remained by the death of Doña Francisco Cabasos, which we the undersigned make under the direction of Doña Maria Ignacio Cavasos, and Don Rafael Garcia Cabasos representing his wife, Dona Josefa Cavasos.

Ten leagues of land not complete in the estate (*Agostadero*) of the *Espiritu Santo*, at two thousand five hundred,	2,500
The estate of (*Sombreretillo*) which contains a little over four leagues (*sitios*) at eight hundred dollars,	800
One half lot and a house (*jacal*), at one hundred and fifty dollars,	150
An old table and a bench, at three and one half dollars,	3 4
An old waterstand, at one dollar,	1
An old cat at two dollars,	2
An old matrass, six bits (*reales*),	6
An old chest, without a key, at twelve bits (*reales*),	1 4
An old blue shawl, at three dollars,	3
A silver cup that weighs seven ounces, at seven dollars,	7
One silver spoon, at twelve bits (*reales*),	1 4
Forward,	3,470 2

Brought forward,	3,470	2
A wooden cross, encased in gold, at twelve bits (*reales*),	1	4
Three old calico dresses, at three dollars,	3	
One remnant of cotton cambrick, at twenty bits (*reales*),	2	4
Two old cotton quilts, at four dollars,	4	
One large iron pot, at five dollars,	5	
One small do., at one dollar,	1	
One large old kettle, at four dollars,	4	
One small pot, at four bits (*reales*),		4
One wire sieve, at six bits		6
One stone hand-mill and its roller (*Metate con su mano*), at four dollars,	4	
One iron griddle, at two dollars,	2	
One painting of the Divinity, at two dollars,	2	
One old hoe, at one dollar,	1	
One small frying-pan, at four *reales*,		4
Total,	3,502	0

The appraised assets are worth (errors excepted) three thousand five hundred and two dollars, which appraisement we swear in due form, we have made according to our true knowledge and understanding, without deceit, fraud, nor dissimulation of any kind, and that we have proceeded to it by virtue only of the trust which the interested parties have reposed in us, that in due proof we sign it in Matamoros, on the 21st day of the month of June, 1835.

TOMAS DE LA GARZA,
FRANCISCO FERNANDES.

Besides the foregoing appraised assets there belongs to the estate Doña Francisco Cabasos, the following: An interest in the land (*Agostadero*) called *San Juan de Carrisitos.* Do. another as aforesaid, in the lands of *San Jose*, jurisdiction of the *Valle del Pelon*, a subsisting in liquidated debt against Don Juan Tijerina, as to which there is suit pending. Another do. of two thousand two hundred and fifty dollars against the succession of D. Rafael Pariente. We declare under oath that the assets inventoried are the only ones which we have noticed of having remained by the death of Doña Francisca Cabasos, and we protest that whenever we shall know of new ones we will annote them, so that of them may be made the division which corresponds, and for due proof we sign it in Matamoros, on the twenty-fifth day of June, one thousand eight hundred and thirty-five.

RAFAEL GARCIA CABASOS.
JUAN TREANOR.

Partition of the assets left by Doña Francisca Cabasos, between her sister, Dona Maria Ignacia, and her niece, Dona Marie Josefa Cavasos.

[Corrected.]

The citizen Jose Secundino Mora, resident of this village of Matamoros, accountant appointed uniformly by D'n Juan Treanor, as attorney in fact (*apollerado*) of Doña Marie Ignacio Cabasos, and of Don Rafael Garcia, representing his wife, Doña Maria Josefa Cabasos, instituted as only heirs of Doña Francisca Cabasos, in the testament which she made out in this town, on the twenty-seventh of October, one thousand eight hundred and eighteen, and for want of a notary, before the alcalde Don Ramon Garcia, with three instrumental witnesses, who were Don Cayetano Medrana, Don Juan Longorie y Garcia, Don Pedro Serdo, and assisting witnesses Don Antonio Gonzales, and Don Jose Cayetano Pinada, under which *under which* she died, which trust I have accepted and do accept anon if necessary I make liquidation, account and partition of all the assets, credits, money and effects, left by the said Dona Francisco among her heirs, in view of consideration and scrupulous examination of her testament, the inventory made, and of other papers relative to and concerning its peformance, and to render it more eligible I should make the following statements:—

There appears against the estate of Doña Francisca Cabasos, the fifth of the property of her husband Don Blas Maria Garza devised by him to Doña Maria Josefa Cabasos, and as in order to know to how much that bequest amounts, it is necessary to make a division and partition of the property that the said Garza left, inasmuch as Doña Francisca has not done so, this liquidation will first be made of the property set forth by the testament, and besides twenty leagues (sitios) of land that specify, and which, as appears, he also left.

In regard to the Testament of Don Blas M'a Garza.

Don Blas Maria Garza died in this town under the testament that he had made (otorgado), on the fourth day of the month of May, eighteen hundred and two; for the want of a notary before the deputy (teniente), Don Vicente Lopez de Herrera, with three instrumental witnesses, who were D'n Jose Cayetano Giron, Don Calisto Ayala, and Don Blas Maria Falcon, and of assistance Don Cayetano Medrano and Don Jose Vicente Lopez; by which after making a declaration of faith and invoking the patronage of the saints, he ordered that his body should be buried in the church of this coast, near the first step of the altar, or wherever he should be seized by his last sickness, laying it out in the grave clothes of our Holy Father, Saint Francisco, and that his funeral should be of the highest class, though humble. He devised the fifth part of his property to Doña Maria Josefa Cabasos. He declared that when he contracted matrimony with his wife, Doña Francisca Cabasos, he did not introduce anything; because his paternal inheritance was held in common with the property of his mother, and that up to that date he

had only received two chests a mortar, and a reliqueary of wax in a gilt frame; that his said wife introduced forty-five mares, six fillies two years old, two "proof jackasses," one gentle horse, three grown colts, geldings, six do., entire, two years old; fifteen colts and fillies, old enough to be branded, two entire horses, ten cows, and four bulls. He ordered the debts due him to be collected, and those that he was owing to be paid; all of which he enumerated, and stated would appear by his memorandums, and by the books of some persons, whom he named in his declaration. He appointed as his executors, with powers to the full extent of the law, the señors Br. Don Nicolas Ballé, and Don Francisco Cabasos, and Don Blas de la Garze Falcon; he instituted as his universal heirs, his wife, Doña Francisca Cabasos, and he revoked and annulled all the testamentary dispositions which he had previously made, which is substantially the contents of the aforesaid testament, which for this purpose I had before me.

As to the inventory made, liquidation *and division of the money inventoried.*

Don Blas Maria de la Garze, by his testament executed in this town, and under which he died, left as heir, his wife, Doña Francisca Cabasos, and he devised the fifth to his niece, Doña Maria Josefa Cabasos. His heir took possession and enjoyment of the property without making an inventory or delivering the fifth to Doña Josefa, during the whole time that she survived her husband, notwithstanding the demands made against her for it, on account of which Doña Josefa and her mother, to whom Doña Francisca has left as heirs, have agreed that said fifth may be considered and held as a debt against the successors of Doña Francisca, and that, whereas, in order to know to what the fifth amounts, it is necessary to know the value of the property left by Don Blas, they have agreed that it be appraised by Don Crisostomo Longoria, and Don Manuel Falcon, in accordance with the declaration which appears in the same testament, and according, also, to the value of them when he died. Having proceeded to the appraisement, it appeared that the value of the property amounts to eight thousand four hundred and eighty-four dollars, as appears in the appraisement of the aggregate estate, of which, according to said testament, there should be abstracted four hundred and twenty-three dollars, the amount appraised value of the assets introduced by his wife, one thousand and six hundred and sixty-three dollars and seven bits (reales) of the passive debts contracted during the marriage, which, on account of being discharged, no schedule is made of them, and two thousand and seventeen dollars, the value of twenty leagues of land (sitios de tiene) which were adjudicated to her by her mother's executors for her inheritance, and the chattels which he declares he received during his marriage, from the paternal line, which three sums amount to four thousand one hundred and three dollars and seven bits, and subtracted from the whole there remains of the general property, four thousand three hundred and eight dollars and one bit, to be divided

between the two equally, the half of which is two thousand one hundred and ninety dollars six q'rs, which, added to the property of Don Blas in the aggregate, amounts to four thousand two hundred and seven dollars, and six q'rs, the fifth of which is eight hundred and forty-one and three bits and three-q'rs; this being subtracted, there remains of liquidated assets, three thousand three hundred and sixty-five dollars five bits and three-q'rs for inheritance, in accordance with which, I proceed to make a general statement of the estate, liquidation and division of it, in the following manner:—

Body of Estate.

There is set down, as assets, five hundred and eighty dollars, the appraised value of one hundred and twenty mares tended by proof jackasses, and twenty-five mares by an entire horse which appears in declaration 8th,	$580 00
Do. one hundred and forty dollars of fourteen horses (they appear in the ninth Declaration),	140 00
Do. one hundred and twenty dollars of twelve mules (Declaration 10),	120 00
Do. eighty-four dollars of fourteen young mules (Declation 11),	84 00
Do. seventy of these mules (D. 12),	70 00
Do. two hundred dollars of four proof jackasses (D. 13),	200 00
Do. forty dollars of four asses (Declaration 14),	40 00
Do. two hundred dollars of four hundred head of sheep and goats (D. 15),	200 00
Do. twenty dollars of forty head more (Declaration 16),	20 00
Do. one hundred and five dollars of three yokes of oxen with gearings and five gentle cows (D. 17),	105 00
Do. two thousand six hundred and sixty-six dollars of one thousand three hundred and thirty-three head of wild cattle (Declaration 18),	2,666 00
Do. four hundred dollars of the land Sombreretillo (Declaration 19),	400 00
Do. one hundred dollars of a painting of Saint Joseph and other small things (Declaration 29),	100 00
Do. forty dollars of one house (*jacal*), an adze, two grubbling hoes, one hoe, three axes, and three plough points, old (Dec. 21),	40 00
Do. one hundred and fifty dollars of the wearing apparel (Dec. 22),	150 00
Forward,	$4,915 00
Brought forward,	$4,915 00
Do. seventy-nine dollars of one horse, saddle, bridle, with leather-jacket, shield, lance, musket, and pistol, &c. (Declaration 23),	79 00

Do. nineteen dollars of one mare, one horse-mule (*macho*), and one young mule (Declaration 24),	19 00
Do. nine dollars of one mare and one horse-mule (*macho*), (D. 25),	9 00
Do. ten dollars of one mare-mule (Declaration 26),	10 00
Do. twenty-eight dollars of one mare and one mare-mule (*mula*), and one young mule (Dc. 27),	28 00
Do. three dollars of one mare (Dc. 28),	3 00
Do. ninety-seven dollars of twenty-seven mares and eleven cattle, and one entire horse (Declaration 29),	97 00
Do. one hundred dollars of the rent that Don Matias Ramises owned (Dc. 30),	100 00
Do. three dollars of one mare (Dec. 31),	3 00
Do. ninety dollars of the rent that Dn. Juan Garza owned (Dec. 31),	90 00
Do. two hundred and three dollars of the rent that D. Domingo Guena owed (Declaration 33),	203 00
Do. twenty-nine dollars of six beeves and one horse (*entero*) (D. 34),	29 00
Forward,	$5,585 00
Brought forward,	$5,585 00
Do. one hundred and two dollars of the rent that Don Cristovel Longoria and of twelve dollars in silver coin (Declaration 35),	102 00
Do. thirty-seven dollars of four beeves and three pack-saddles (Dec. 36),	37 00
Do. twenty dollars of five beeves (Dec. 37),	20 00
Do. twenty-five dollars of the beeves that the *Sñs. Ballies* received (Dec. 38),	25 00
Do. ninety-two dollars of the servant T. G. (Declaration 39),	92 00
Do. fourteen dollars of a pair of young mules (Dec. 40),	14 00
Do. forty-seven dollars that Juan Perez owed (Declaration 41),	47 00
Do. twenty dollars of a pair of young mules and a mare (Dec. 42),	20 00
Do. twenty-one dollars of seven mend (Declaration 43),	21 00
Do. fifty-two dollars of seventeen mares (Declaration 44),	52 00
Do. fifty dollars that various persons owed according to a list presented by Dn. Antonio Gutieres (Declaration 45),	50 00
Do. seventy dollars of one proof jackass and one grown mare mule (*mela*) (Declaration 46),	70 00

Do. sixty dollars that the negro Matias Gonzales owed (Dec. 47),	60 00
Do. ten dollars of one horse (D. 48),	10 00
Forward,	6,205 00
Brought forward,	6,205 00
Do. ten dollars of another do. (Declaration 49),	10 00
Do. fifty dollars, value of five marks and five ounces of silver and one horse (Declaration 50),	50 00
Do. eleven dollars of one mare, a two years old mule and a filly (Dec. 63),	11 00
Do. one hundred and five dollars of thirty-five mares, one stallion and twenty-five dollars in specie (D. 66),	105 00
Do. one hundred and three dollars, value of five animals of the mule kind and one mare (Dec. 67),	103 00
Do. two thousand dollars of twenty leagues (*sitios*) of land which the testament does not specify, and which appears of his property,	2,000 00
Total value of the assets inven'd,	8,484 00

The inventoried assets of Don Blas Maria Garze (errors excepted), amount to eight thousand four hundred and eighty-four dollars, as appears by the sum total of the foregoing forty-seven items, and of them are made the following divisions.

Common, or General Deduction.

From the aggregate amount of the property inventoried, there will be deducted four hundred and twenty-three dollars, at which was valued the total property that Doña Francisca Cabasos brought into her marriage (*llero a su matremonio*).	423 00
Do. sixteen hundred and sixty-three dollars and seven reals, the amount of debts contracted during her marriage with her deceased husband, as appears by the declarations of the testament, which, on account of their being already paid, are not apportioned.	1,663 00
Do. two thousand and seventeen dollars, at which was valued the property that Dn. Blas, during his marriage, received as paternal and maternal inheritance,	2,017 00
Total deduction,	4,103 00

The common deduction made from the inventoried assets amount to four thousand one hundred and three dollars and seven bits, which being subtracted from the eight thousand four hundred and eighty-

four, inventoried, there remains of *ganancias* four thousand three hundred and eighty dollars and one bit, to be divided between the two, equally, which respective half of each is two thousand one hundred and ninety dollars and six "*granas.*" Whereupon a liquidation of the property of Don Blas, and the corresponding deduction, are proceeded to.

Effects of Don Blas Ma. Garza.

To Don Blas Maria Garza, and as representative of his wife, there falls, as capital and inheritance paternal and maternal, brought in during their marriage,	2,017 00
Forward,	2,017 00
Brought forward,	2,017 00
Do. for his half of *ganancias*, two thousand one hundred and ninety dollars and six "granas,"	2,190 6 g.
Total liquidated amount,	4,207 6 g.
The fifth of this is worth,	841 3 g.
There remains as inheritance,	3,365 5.3

Statement of this Account.

The amount of debts against the estate,	1,663 07
The amount of the assets brought in by his wife,	423 00
The half of her ganancie,	2,190 06
The fifth due Da. Ma. Josefa Cabasos,	841 33
The liquidated amount for inheritance,	3,365 53
Total assets,	8,484 00
Amount of the inventory,	8,484 00
Equal,	0,000 00

As to the Will of Da. F. Cabasos.

Doña Francisca Cavasos died in this town under the will that she had made (ortogudo) on the 27th day of the month of October, one thousand eight hundred and eighteen; for want of a notary, before the alcalde of this congregation, Don Ramon Garcia, with three instrumental witnesses, who were Don Cayetano Mediano, Don Juan Longoria y Garze, and Don Padro Serde, and of assistance Don Antonio Gonzales and Don Jose Cayetano Pruedo, by which, after making a declaration of faith, and invoking the patronage of the saints, she directed that her body should be laid out with grave-clothes of our Lord Father, Saint Francisco, and that her burial should be of the highest order, but humble and without display; that her body should be buried in the holy church of the congrega-

tion, or wheresoever her last illness might seize her. Near the first step, she appointed as her executor, with full power according to law, her sister, Doña Maria Ignacia Cabasos; and her niece, Doña Maria Josefa, and Doña Bartola Cabasos, she appointed as her heirs, her said sister Doña Maria Ignacia Cabasos, and her niece, Doña Maria Josefa Cabasos; and she revoked and annulled all testamentary dispositions which she might have previously made, which is substantially all that appears from the aforesaid will, which for this purpose I had before me.

In regard to the Inventory made, and Liquidation of the inventoried Assets.

Doña Francisca Cabasos having died, her heirs agreed that the schedule of division and partition should be made in accordance with the inventory and appraisement made by Dn. Tomas de la Garza and Don Francisco Fernandez, appointed by the same interested parties, by which the value of the assets arose to 3,531 dollars in this manner; 3,300 dollars in fourteen leagues (sitios) of land; 150 dollars in one half lot and one house (jacal); 29 dollars in cash; 52 in chattels and wearing apparel—which four items added amount (errors excepted) to the said sum of three thousand five hundred and thirty-one dollars, total value of the assets inventoried on account of the death of Doña Francisca Cavasos, from which, having taken eight hundred and forty-one dollars, three bits, and three "granos," the fifth of the property of her husband, which, by his bequest, belong to Doña Josefa Cavasos; 1,382 dollars, six bits, and six (granos), the interest on this amount from the 15 of August, 1802, up to the time to which she has retained it in her possession; 118 dollars and one bit, the expense of funeral and burial—which three items amount to 2,342 dollars, 3 bits, 3 "granos;" and, being taken from the total amount, there remains 1,188 dollars, 4 bits, and 9 "granos" for inheritance; agreeably to which, I proceed to form the body of the estate, liquidation, and reduction of it in the following manner:—

Aggregate Assets.

There is set down as assets three thousand three hundred dollars, at which they have appraised fourteen leagues (sitios) of land in the estates (agostadero) of the *Espiritu Santo* and Sombreretillo,	3,300 00
Forward,	3,300 00
Brought forward,	3,300 00
Do. one hundred and fifty dollars, the appraised value of one-half lot and house (jacal),	150 00
Do. fifty-two dollars of the chattels and wearing apparel,	52 00
Do. twenty-nine dollars in cash,	29 00
Total amount of inventoried assets,	3,531 00

The assets inventoried on account of the death of Doña Francisca Cavasos amounts to (errors excepted) three thousand five hundred and thirty-one dollars, as appears from the general amount of the four preceding items, and of them are made the following divisions:—

Common or General Deduction.

There is deducted from the aggregate assets inventoried eight hundred and forty-one dollars three bits and three "*granos*," the fifth of the property of her husband, which, by his devise, belong to Doña Marie Josefa Cavasos,	841 3 3
Do. one thousand three hundred and eighty-two dollars six bits and six "*granos*," the interest accruing on this amount from the 15th of August, 1802, to this date, to which she has retained it in her possession,	1,382 6 6
Do. one hundred and eighteen dollars one bit and six "*granos*," funeral and burial expenses,	118 1 6
Total common deduction,	2,342 3 3

The common deduction made from the aggregate assets inventoried amount to two thousand three hundred and forty-two dollars three bits and three "*granos*," which being subtracted from the three thousand five hundred and thirty-one dollars, there remain one thousand one hundred and eighty-eight dollars four bits and nine "*granos*," for inheritance between them in equal shares, agreeably to which is proceeded to, the liquidating of the portion of each one in the following form:—

Recapitulation and liquidation of what falls to each one of the interested parties in this partition through all their rights.

Doña Ma. Ignacia Cabasos, credit.

Doña Maria Ignacia Cabasos, sister of Francisca Cavasos, should have credit, by her inheritance, five hundred and ninety-four dollars two bits four and one-half twelfths of a bit, 594 2 4½

The credits of Da. Ma. Ignacia Cavasos, by her inheritance, amount to five hundred and ninety-four dollars two bits four and one-half "*granos*," of which she is paid with the following property:—

Adjustication and Payment.

There is set apart to Doña Ignacia Cavasos, the estate (*agostadero*) of Sombreretillo, at the sum of eight hundred dollars, for which it was valued, in payment of the five hundred and ninety-four dollars two reals and four and a half "*granos*," and in order that she may pay one hundred and eighteen dollars one and a half reals, the expenses of the funeral and burial, and the balance, to wit,

eighty-seven dollars four reals and one and a half granos, to Doña Josefa Cavasos,	800 0 0
Amount of property set apart,	800 0 0
Her total credits,	584 2 4½
Balance in favor of the succession,	215 5 7½

Doña Josefa Cavasos's Credits.

Doña Josefa Cabasos, niece of the deceased Doña Francisca, should have credit for the fifth part of the property of Don Blas, which the former retained in her possession, eight hundred and forty-one dollars three reals and three (granos),	841 3 3
Do. on account of the interest on this sum, at five per cent., from the 15th of August, 1802, until this date, thirteen hundred and eighty-two dollars six reals six granos,	1,382 6 6
Do. for her inheritance, five hundred and ninety-four dollars two reals four and a half granos,	594 2 4½
Total credit of Da. Josefa,	2,818 4 1½

The total credit of Doña Josefa Cavasos amounts to two thousand eight hundred and eighteen dollars four reals one and a half (granos), of which payment is made in the following property:—

Adjustication and Payment.

There are given in payment to Doña Josefa Cavasos ten leagues (sitios) of land, not complete, in the estate (agostadero) of the Espiritu Santo, valued at two thousand five hundred dollars,	2,500 0 0
Do. one-half of a lot with a house (jacal), situated in this town, appraised at one hundred and fifty dollars,	150 0 0
Do. sundry articles of furniture and wearing apparel at fifty-two dollars,	52 0 0
Do. twenty-nine dollars in specie,	29 0 0
Do. eighty-seven dollars four reals one and a half granos that her mother, Doña Ignacia Cavasos, should pay her on account of this estate,	87 4 1½
Total property set apart to Da. Josefa,	2,818 4 1½
Total amount of her credits,	2,818 4 1½
She remains entirely paid,	0,000 0 0

The property set apart to Doña Josefa Cavasos amounts to two thousand eight hundred and eighteen dollars four reals one and a

half (granos), and the credit she is entitled to as of right the same sum, therefore she remains entirely paid.

Proof of this Account.

For the expenses of funeral and burial,	118 1 6
For the assets of Da. Ma. Ignacia Cabasos,	594 2 4½
For the assets of Da. Ma. Josefa Cabasos,	2,818 4 1½
Total assets,	3,531 0 0
The inventory amounts to the same,	3,531 0 0
Equal,	0,000 0 0

1st. It is declared that the interests in the land of "*San Juan de Carrisitos*," and of "*San Jose*," mentioned in the inventory of the property of Doña Francisca Cabasos, and which were not appraised on account of not knowing of how many leagues they are composed, and on account of not having yet made a division of them. They will be equally divided among the two heirs, D'a M'a Ignacia Cavasos, and D'a M'a Josefa Cavasos.

2d. It is also declared that there remains a subsisting unliquidated claim against Don Juan Tijerina, which, when liquidated and recovered, shall be divided between said Doña Ignacio and Doña Josefa Cavasos.

3d. It is decreed that there not being of the two thousand dollars mentioned in the 19th clause, more than the one thousand two hundred and fifty dollars, due from the estate of Don Rafael Pariente, it be placed at interest, and with this have masses said for the soul of the testatrix, and of her husband, Blas.

4th. It is also declared that whenever there shall appear any subsisting claims, property, and effects belonging to this estate, they shall be held and accounted as increasment of it, and be divided in the manner of those inventories, among the participants, and the same should be done with the debts, charges, and responsibilities that may appear against it, and they are not deduced on account of their not being known, for which all the interested parties remain respectively and proportionally bound, and subject to the discharge of them in such a manner that each shall pay in due proportion.

5th. It is also declared that in case any of the parties' lands, inventoried and apportioned as being unencumbered, should be found encumbered, or belonging entirely or partially to a third person, and as a consequence not belonging to this succession, the principal value of them, and the costs accruing against the person to whom they have been allotted, or whosoever may in future represent her in case suit shall be brought against them for its recovery, as well as the damages which she may sustain, shall be considered as a charge upon the estate, and the other recipient to contribute her share without excuse, in such a manner that she may remain entirely repaid for the principal and damages, but she must follow and defend

the suit which may be pending, citing in eviction according to law, and not otherwise, the rest of the interested parties, and until that is done, she shall have no right to institute a suit for redress or repetition.

6th. It is declared that the five hundred dollars mentioned in the 2d clause not existing, the heirs remain bound to pay half and half, the forced legacies mentioned in it paying two reals for each one.

7th. Lastly, it is declared that the cost of inventory, appraisement, partition copy of the adjudication which have to be given to the interested parties, paper used, and other proceedings which take place, up to the entire completion of all, have not been considered nor deducted, and that they should be paid in the proportion of three-fifth parts by Doña Josefa Cavasos, and the other two by Doña Ignacia Cavasos, with which declarations this partition ended, which agreeably to the documents which were presented, and which I returned to the party, who delivered them to me, and under the oath taken I acted well and faithfully according to my information, without giving displeasure to the interested parties, for which I sign it in this town of Matamoros, the thirtieth of June, one thousand eight hundred and thirty-five. JOSE S. MORA.

We approve of this account.

JOSEFA CABASOS,
RAFAEL GARCIA CABASOS.

I approve of this divisional account. M'A J. CABASOS.

A true translation. WM. O. DRECHARTES, Translator.

And here the plaintiff rested her case.

And thereupon the defendants, Manuel Treviño and Eben Cobb, by their counsel, gave in evidence a document purporting to be a copy of proceedings and title of possession, for the tracts of San Martin, Santa Isabel, and Buena Vista, made by the alcalde of the town of Matamoros, and other officers and parties, in the year 1826, 1827, 1828, and 1829, being the same as mentioned in the first bill of exception to which reference is made, together with a translation thereof which is set out in full in the said bill of exception, and is to be considered as if herein again inserted in lieu of said original document, and the said defendants also gave in evidence a copy of a document purporting to be a grant or patent issued by the governor of the State of Tamaulipas to Ignacio Treviño, together with a translation thereof, which said copy and translation are as follows:—

(No. 322.)

Titulos de tierras pertenecestes al ciudadano Ignacio de Treviño.

(Grant.)

Sello 2o. Doce reales,
Para los años de 1829 y 1830.

(Portraro de San Martin.)

Lucas Fernandes Gobernador Constitutional del Esto. de Tamauli-

pas. Por cuantro el ciudadano Ignacio de Treviño vecino de la villa de Matamoros hiso denuncio ante este Gobierno de los terrenos de que se compore el Potrero de San Martin el portrero cercas que llamen de alta le mesa del Barro la mesa del Gubilan y loma del Palmito que estan en jurisdicion de dicha villa hechas las medidas Señalamiento y demarcacion con citacion de los colindantes y habiendose practica de los demes tramitee que las leyes previenen como todo consta del espediente original que pasa en el Jusgado de Matamoros he venido en estenderle el presente que le sirva de Titulo con que acredite el interesado su propiedad a los espresados terrenos adjudicandole en propiedad dichos terenos para que el y quien en derecho represente los hayan y goza como suyos propios, y de todo ello el estado le hace mercada y gracia quedendo como queda remunerado el estado y siendo qua ya esta en posesion el ciudadano gnacio Treviño de los terranos a que contenidos el alcalde de Matamoros que lo entro en ella, le lebrasa les copias y testimonios que el mismo Treviño pida de los diligencias que al efecto se hayun practicado.

MARIA JOSEFA CAVASOS vs. WILLIAM EVANS et als. } U. S. District Court. No. 27.

Dado en ciudad Victoria Mayo 22 de 1829, 6o de la Instalacion del Congreso de este Estado.

LUCAS FERNANDEZ.
JUAN CASSEÑO LEC.

Filed May 26, 1856.

F. J. PARKER, Clerk.

El Escribano Publica y Ejercicio que alcalde signo y firmo, certificado y doy fe, que el Señor Don Lucas Fernandez por quien aparece autorizado el titulo de propiedad que antecede era en la epocha en que lo adjudico Gobernador constitucional de esta estado y Secretario del Gobierno entonces el Señor Don Juan Carreño segun que ambos se titulan siendo las firmas en el estampoda las mismos que usaban en este clase de documentos a que se ha dedo y da entara fe y credito en ambos juicios.

Matamoros, Enaro 24 de 1848.

JOAQUIN ARGUELLES, Eso. Pub.

Derechos 20 reales.

(For map see original, page 511.)

(Map.)

E suplicacion del mape y demarcacion del Potrero de San Martin cito en juresdicion de Matamoros denunciado por el ciudadano Ignacio Treviño.

Demarcacion.

Estampa 1st. B, T, L, M, N, D, S, F Demonstran la figura y superficie del terreno del punto B, que esteran la villa del Rio Grande se tiro la vata de Sur a Norte y sobre ella se tendio el cordel tres cientas sesenta y nueve vaces y termino el T cuyo punto se demarco por tierra del C Ignacio Treviño del punto F de Poniente a Oriente hasta encontrar con la Laguna Madre, y sobre ella se tendio el cordel 119 veces y termino en L, y quedo esta linea por linea divisoria que divide el terano de San Martin Y el de Ite. Isabel los puntos B, T, L, N, D, no forman cuadrado ni guardan propocion alguna pr. su al terreno irregular y terminado por mas de cuatro lados por cuya razon pa. hagar su cuadrada fue necesario muchas y distentas operacion con efecto del punto L, al punto M. quince operacions a liniaron quince operaciones que estan patentes en el Mapa con sus numeros corrisponda qua por cado rumbo se tirason y volviendo de Norte a Sur al punto G, F, de poniente a oriente hasta al punto O se hicieron 21 operacion y volviendo al punto S, commensando del numero once hasta al punto C se hicieron siete operaciones en don de a concluyo la medida de este terreno como en el mapa parece figurado y sigua su reducion a veras cuadrada :—

1. El triangulo A, B, F, que tiene un angulo recto en A tiene 37 cordeles de Longitude y 17 de Latitude tiene de area cuadrada setecientos ochenta y seis mil dos cientos cincuenta varas cuadra's 00786250.

2. El rectangulo que esta entre A y C tiene 55 cordelados de longitude y 17 de latitude tiene de area cuadrada dos doscientos, tres cientos veinte y siete mil quinientar 2337500.

3. El triangulo que esta debago de rectenga A, C, tiene 55 cordelados de longitude y 55 de latitude tiene the area quadrada tres cientos setecientos ochenta y un mil dos cientos con cuenta 3781250.

4. El rectangulo C que tiene 72 condalador de longitude y ocho de latitude tiene de area cuadrada un ciento cuastro cientos cua renta mil veras 1440000.

5. El triangulo que esta dabajo del parralelogramo C tiene 38 cordelados de longitude y ocho de latitude tiene de area cuadrado tres cientos ochenta mil varas 380000.

6. El rectangulo D. teine 110 cordeleda de longitude y 26 de latitude tiene de area cuadrada setecientos ciento y cincuenta mil varas 7,151,000.

7. El triangulo que estes dabjo del rectangulo D, tiene 81 cordelados de longitude y 26 de latitude tien de area cuadrada dos cientos seiscientos treinta y dos mil quinentos 2,632,510.

8. El rectangulo E, tiene 123 cordelades de longitude y 32 de latitude tiene de area cuadreda nueve cuentos ochente y cuatro mil v 9,840,000.

9. Tres rectangulos que estan debajo del rectangulo E. tiene 69

cordaledes de longitude y de 22 de latitud tiene de area cuadrada tres cuentos novente y cinco mil varas 3,095,000.

10. El rectangulo manor tiene 18 cordelades de longitude y 10 de latitud tiene de *de* area cuadrada cuatrocientos cincuento mil 450,000.

11. El mas mediano tiene 29 cordelados de longitude y dos de latitud tiene de area cuadrada cientos cincuento y mil 145,000.

12. El rectangulo E, que esta debajo del numero 10 con el numero 29 tiene de longitude 63 cordelados y 29 de latitud tiene de area cuadrada cuartra cientos quinientos sesenta y siete mil quinientos 4,567,500.

13. El trianglo S, que forma con la lina 47 y la lina once tiene de longitude 47 cordelados a once de latitud tiene de area cuadrada quinienta veinte y con mil doscientos cincuenta 521,250.

14. El rectangulo F, tiene 72 cord's de longitude y 42 de latitud tiene de area cuadrada siete cuentos quinientos y cincuenta mil 7,550,000.

15. El triangulo que esta debajo del F, tiene de longitude 51 cordelados y 42 de latitud tiene de area cuadrada tres cuentos ciento sesente y siete mil quinientas 3,177,500.

16. Otro triangulo que esta mas abajo con el numero once y la figure que tiene 48 y 21 forman puntor en triangulo grande que tiene 60 cordelados de longitude y 52 de latitude tiene de area cuadrada tres cuentos novécientos mil 3,900,000.

17. El triangulo que tiene su beatie in R, tiene 169 cord's de longitude y 26 de latitude por la diference que hay de 26 a 52 que hacen 36 y 16 que estan en uno misma linea cuya area cuadrada es de cinco cuentes cuatro ciente novento y dos mil quinientos 5,492,500.

18. El triangulo 45 que tombien tiene subortin en R, tiene de longitud 116 cords. y 19 de latitud pr. la deferencia que hay de 26 a 45 cuyo area cuadrada consta de dos cuentos setecientos cincuenta y cinco mil 2,755,000.

19. El rectangulo ó que esta con los numeros 169 tiene de longitud 285 cords. y 26 de latitud tiene de area cuadrada diez y ocho cuentos quinientes veinte y cinco mil 18,525,000.

20. El rectangulo O N, que tiene 61 cords. de longitude tiene 42 de latitud tiene de area cuochada seis cuenta quatrocientos cinco mil 6,405,000.

21. El triangulo que se forme sebra en rectangula O N que tiene un lado del angulo recto da 61 cords. de latitud y el otro de a 43 de longitud tiene de area cuadrada diez y ocho cuentos quinientos veinte y ocho mil setecientos cincuente 18,528,750.

22. El rectangulo G tiene 50 cords. de longitud y 13 de latitud tiene de area cuadrada cinco quentos trescientos setento y cinco mil 5,375,000.

23. El rectangulo y tiene 119 cords. de longitud y 57 de latitud tiene the area cuadrada diez y seis cuenta noveciento cincuenta y siete mil quinientos 16,957,500.

24. El rectangular que esta debajo del rectangulo Y con el numero 21 tiene de longitude 30 cords. y 21 de latitud tiene de area cuadrada son cuente quinientos y setenta y cinco mil 1,575,000.

25. El rectangular que este mas abajo con el numero 9 tiene de longitud 18 cordeledas y 9 de latitud tiene de area cuadradas cuatrocientos concuente mil 405,000.

26. Sucecitamente 12 triangulars que hay desde L hasta M reducidos a cadrada tiene de area cuadadra un cuentos setecientos ochenta mil seiscientos veinte y dos 1,780,622.

Suma total de los 26 partidas 129,553,122 cuyo resumen general de ciento veinte y nueve milliones quinientas cinquenta y tres mil ciento veinte y dos veras cuedradas componen porcion de cinco sitios de ganado mayor, sieate caballeria y mas doscientos ochenta y siete mil trescientos sesenta y seis varas caudradas cual medida de este terreno esta fiel y legalmente echa y la ha formada segun mi leal seber y entender sin agravio de persona alguna.

(Sello 3o dos reales, 1836 and 1837.)

Matamoros, 11 de Decembre 1828, Domingo de la Fuente en la ciudad de Matamoros a los tres dias del mes de Febrero de 1840 ante mi el ciudo. Leonardo Salinas Abd. 3o constitucial testigo de dint a comparecion los sus D. Manuel Prieto y Dn. Manuel de le Garza sera apoderado esta ultimo de Dn. Ignacio Treviño vacino de Comago y dijo el primero; que unigen el libro de actas de juicios conciticedores practica dos in este mismo jusgalo a instancia del que abla aparece uno fha. 29 de April del ano pce. en que se hace referencia da otro practicado en el año de treinta y seis en el jusgado 1o de par ninguno de aquellos tiene balidacion por quedar plenam'to satisfacho por los titulos del referedo Don Ignacio Treviño que el motivo gr. le ha impulsado entonces apromoverle era por equivocacion pues el terreno mencionado esta sin duda ninguna indaro en la medida que en beneficio de D. Ignacio Treviño se lino y pr. lo mismo sobreacts particular nunca jamas volvara a molestar a los que por conducto de agua señor ocupon el endicado terzero cuyo convenio acabavan de selebra el que espone y el indicado Don Manuel de le Garza sera apoderado de Dn. Ignacio Treviño y pa. comta ambos dos lo firman conmigo y los de mi assistr. en la forma ordinarie doy fe.

LEONARDO SALINAS,
MANUEL PRIETO,
MANUEL DE LA GARZE.

Son A.—JUAR GALVOS.
RAFAEL GOMEZ.

Es conforme a su original que obra a forastros del libro de constituciones del presente año a que me remito de donde mande sacar el presente opidimento venal del Sor. D. Manuel de la Gra. Soza apoderado de Don Ignacio Treviño hoy 14 de Abril de 1840 Bar-

tolome Grima Ald. Bo. constituneal entumo asi lo certifico y firmo coma queda dicho doy fe. B. GRIMA.

A.—RAFAEL GOMAS.
A.—JOSE MARIA VILLAREAL.

Consulate of the U. S., Matamoros, Mexico.

I, J. P. Shatzall, consul of the United States of America, for the post of Matamoros, do hereby certify that Joaquin Arguillo, who attests the annexed document, under his own proper signature, to me, the said consul, well known, is now, and was at the time of signing the same, a notary public in and for the city and port of Matamoros, and that, to his acts as such, full faith and credit are here given in and out of judicature.

In testimony whereof I have hereunto subscribed my name, and affixed the seal of my office. Matamoros, January 24, 1848.

[CONSUL'S SEAL.] J. P. SHATZALL, Consul U. S.

County Clerk's Office, Nueces County, Texas.

Filed from record this 5th day of February, A. D. 1848, at 4 o'clock and 30 minutes P. M.

E. M. HAINES, C. H. Recorder.
By H. A. GILPIN, D'p'ty.
County Clerk's Office, Nueces County, Texas.

Recorded in book A, on pages 449, 450, 451, and 452, this 25th day of Febuary, A. D. 1848.

E. M. HAINES, C. and R.
By H. A. GILPIN, Dep'ty.

I do hereby certify that the foregoing is a true copy from the records of Nueces County on pages above stated.

To certify which, I hereunto set my hand and seal of office at Corpus Christi, this 31st day of March, A. D. 1852.

[SEAL.] JAMES BARNARD, C. C. C., N. C.
By JOHN S. DILLAN, Dep.

Title of the Land belonging to the citizen Ignacio Treviño.

Second seal [L. S.] two reals.
For the year of 1829 and 1830.

(Ignacio Trevino, title to the land in potrero San Martin, and issued Lucas Fernandez, Governor of Tamaulipas, May 22d, 1829.)

Translation.

Lucas Fernandez, Constitutional Governor of the State of Tamaulipas:—

For as much as the citizen Ignacio Treviño, a resident of the town of Matamoros, made denunciation before this government of the lands of which the potrero of San Martin, the inclosed potrero called "de alta," the table land of the burrou and of Gavilan, and

the loma of the Palmito are composed, which are neither the jurisdiction of this town, made the determinate surveys, and designations, with citation of the adjoining proprietors, and having executed the other proceedings which the laws require, as in the whole appears in the original dispatch which past in the jurisdiction of Matamoros, I come to extend the present to serve for a titulo to the interested party with which to prove his property to the mentioned lands, adjudging to him the said lands in full property, so that he and those who in right represent him may have and enjoy them as their own, and of those who the State makes grant and gift, the state remaining as it remains, renunciated; and the citizen Ignacio Treviño, being what he now is, in possession of the lands thus contained, the Alcalde of Matamoras, who entered upon it, will extend to him the copies and testimonies which the same Treviño seeks of the despatches which to this effect he may have executed.

Given in the city of Victoria, May 22d, 1829, 6th of the installation of the Congress of the State. LUCAS FERNANDEZ.

JUAN CARRENO, Leco.

To all of which papers, copies, and documents, the plaintiff, by her counsel, objected, on the ground, first, that the land which appeared to be granted by the authorities of the State of Tamaulipas therein, was within the ten littoral leagues from the coast of the Gulf of Mexico, and no approbation or consent of the General Executive of Mexico was shown; *second*, that the said grant to Ignacio Treviño appeared on its face to be for over one hundred and twenty-five million of square varas; *third*, that it appeared in said proceedings that a controversy as to the right of ownership of the land affected thereby had arisen, before and during the survey, and it was not allowed to follow the usual course of ordinary civil suits, but was settled by the officers of the government, by the assumption of executive power, contrary to the provisions of the colonization laws of Mexico and Tamaulipas; the first of which objections was sustained by the court, and said documents were excluded as showing a valid grant of land, but were allowed to be read as evidence to show boundary and possession; and the said defendant then gave the following oral testimony:—

The defendants then called as a witness Macedonio Capistran, who testified that he knew the lands of the Espiritu Santo and San Martin, from the year 1818 to this time; has known as San Martin the Potrero below the tanque; has known it by this name since he became old enough to cross the Rio Grande. From the time he had known this place it was occupied by Ignacio Treviño and his stock; he had a rancho there; witness did not keep stock there for any length of time; but occasionally left some Manados there with consent of Ignacio Treviño's caporal, this was about 1819, 1820, or 1821; the rancho then was called San Martin; witness thinks it was established by Ignacio Treviño; about 3 or 4 miles below the tanque;

witness does not know the boundary of the Espiritu Santo; it is below the tanque somewhere, as he has been informed, a little below the tanque; witness has generally heard it spoken of as being in that place; and that is the way witness acquired his information; he does not know the western boundary of the San Martin; has generally known the line of San Martin to be somewhere below the tanque, from that down was reported to belong to Ignacio Treviño, from it up to Santa Rosalia was reputed to belong to Manuel Prieto; the house of Prieto was said to own the land from the point spoken of to Santa Rosalia; witness knew the place called the repaso when the country was open; it is now grown up with wood; it is in a northerly direction from this point. Witness believes that San Juan del Netiro and Repaso are the same place; he does not know whether there are any settlements at San Juan del Netiro; it is 14 or 16 years since he was there; he knew it once to be occupied by the Prieto family; they were the represented owners; before the year 1818, about that time the Indians came in and depopulated it; he does not know whether it has been occupied since; he does not know the rancho called Capeteneño; knew where Captain Villareal resided on the Arroyo Colorado, was called Paro Viejo; did not know of any rancho there before; knew Cabasos San Rafael and Carasito; San Rafael was occupied by Manuel Prieto, and the other ranch was occupied by his tenant; these labores were known as belonging to Prieto; there were labors occupied by the Ynojosas below the tanque, but he does not know who these labores belonged to—one of the labors was called the Saino; he believes the labors below the tanque were held under Ignacio Treviño; he never knew the owners of the Espiritu Santo to have possession below the tanque; he was acquainted with Francisca Cabasos, but was no relative of hers; she was inclined to be litigious about her lands; thinks she would not neglect to claim what was her right; she was always contending for the labors on this side.

On being cross-examined by the plaintiff's counsel, this witness testified that he did not know Padro Lopez Prieto; did not hear that Padro Lopez Prieto had possession of the land below the tanque to the laguna; has not heard that he claimed the lands below the tanque as his own; had heard of a dispute between Manuel Prieto and Ignacio Treviño as to the land below the tanque; did not know Dona Josefa Treviño; had heard that Ignacio Treviño was *administrador* of his brother-in-law, but does not know who he was; had not heard Ignacio Treviño speak of his business with Padro Lopez Prieto; does not know that Manuel Prieto claimed land below the tanque as part of the Espiritu Santo; he did not know when Ignacio Treviño died; it might be more or less than twenty years ago; he lived at Camargo; had a house, and his family resided there with him at Camargo, and might have died there, but he does not know; he knew Enrique Villareal and Andres Ramires denounced some land to the south of the Arroyo Colorado, and they were put in

possession; does not know that the lands along the river were denounced; does not know of any agreement to resist those denunciations; the children became emancipated after the death of Ignacio Treviño, and some of them lived at San Martin; at the time of the death of Ignacio Treviño, his children were citizens of Tamaulipas; at this time Ignacio and his children were considered as Mexican citizens; Manuel Treviño was in the National Guard of Matamoros at the commencement of the last war with Mexico; does not know whether he served during the war.

On re-examination by the defendant's counsel, the witness stated that he understood Manuel Prieto contended that the line should be further down; witness understood that the contention was not as to the lands down to the sea, but as to the position of the line; Manuel Prieto wanted the line to go down so as to include some lower lands of the river; Ignacio Treviño attended to his business at Camargo, and came to his rancho at San Martin in branding time; came 2, 3, or 4 times a year; from the time the children became emancipated, they came to the rancho to live; by emancipated witness means when they were married; Don Gaudaloupe Treviño used to come to the rancho two or three times a year, and would remain two or three months at a time, from Camargo, where he resided: witness does not know when Ignacio Treviño died; if he died before the American war or the treaty of Gaudaloupe; this country then belonged to Mexico; otherwise, if he died after, it belonged to the United States at the time of his death.

The defendants then called as a witness Ignacio Villareal, who testified that he was seventy-three years of age; born in Camargo; resides in this town; had resided in this neighborhood since 1803; knows the land of the Espiritu Santo; knows where the eastern boundary of the Espiritu Santo is; it is about six cordels below the tanque; from the first time he went down he knew the people who lived there; there had been some surveys, and those who had been present at the surveys told him that the eastern line was where he, witness, had stated; has known it as such from 1803; he had known Ignacio Treviño since 1803; had a rancho about a league or a league and a half below the tanque; Don Ignacio Treviño established it there; witness does not know when it was first established, but from the time he speaks of he knew it to be occupied by Ignacio Treviño; had cattle there at the time; had cattle there till he died, and his children continued; he saw Ignacio Treviño at his rancho attending to his business; does not know where he died; it was before the last war with Mexico; it was after the year 1840; he does not know how long after; he knows Pedro Lopez Prieto; he had his family in Camargo, but witness knew him at the tanque; witness lived there then as an animado; used to assist in doing the work of the hacienda; does not know when Padro Lopez Prieto died; did not know that Padro Lopez Prieto claimed any land east of the line near the tanque; thinks Pedro Lopez Prieto held an office in the

army, was called a captain; Padro Lopez Prieto remained at the rancho part of the time, and returned to Camargo, where his family was. Witness does not know how long he staid at Camargo; knows he went to Bajar at one time; does not know how long he stayed there; while absent, Ignacio Treviño attended to his business; Padro Lopez Prieto and Ignacio Treviño were brothers-in-law; thinks Padro Lopez Prieto left Ignacio Treviño in charge of his rancho, because he knew all about his stock and affairs, and was thus the most suitable person to leave to attend to them; thinks Ignacio Treviño attended to the cattle both at the tanque and at his own rancho of San Martin, as they were both close together; Ignacio Treviño lived at both ranchos, but at the time he attended to Padro Lopez Prieto's business, he lived at the tanque; went backwards and forwards, and was supervisor over both places, and had caporals at both. Witness knew Guillermo Hinajosa; was at the rancho San Martin for a time; occupied it for a time; claimed under Ignacio Treviño; was father of Rodrigo Hinajosa; has known Rodrigo and Antonia Hinajosa, to have occupied labors below the tanque, and claimed under Ignacio Treviño; does not know how long it was since, thinks it is about 30 years ago. Witness was forty years of age and upwards, at the time. Witness knew the western boundary of the San Martin, and it is below the tanque; it is the same line spoken of as the eastern line of the Espiritu Santo; thinks there are visible marks on the line; there is a mark on the river, and it is below the tanque. He does not know of any other lindero on the line, but has seen stakes on it. The lindero on the river is of stone; he knows the reparo; is on the Espiritu Santo; it is on the upper or western side of the line spoken of, about 7 or 8 leagues from the River Grande; it is ¼ of a league, more or less, from the line; knows San Rafael del Retiro; is in lands of Manuel Prieto; northward of the reparo about ¼ of a league distant; in 1833 and 1834 San del Retiro was occupied by the stock of Manuel Prieto, but in 1834 and 1835 the Indians came down, and the rancho was abandoned. After Padro Lopez Prieto died, Manuel Prieto lived at the tanque; after the death of Padro Lopez Prieto, Manuel Prieto claimed as his the land from the tanque up, and for six cordels below the tanque. At the time Ignacio Treviño denounced the land, Manuel Prieto objected on account of a difference as to the position of the line; afterwards they became reconciled and agreed as to the possession of the line, and a lindaro was put on the bank. He never knew of any further dispute. After Manuel Prieto and Ignacio Treviño became reconciled, he never knew Manuel Prieto to claim below the line; never knew that Manuel Prieto claimed that the land of the Espiritu Santo extended to the sea. After the death of Salvador de la Garza, Padro Lopez Prieto, Doña Francisca and Doña Xaviera de la Garze, claimed the Espiritu Santo land. Witness did not know that Doña Francisca claimed any land below the tanque, nor Doña Xaviera. Padro Lopez Prieto claimed the land from the

tanque to Santa Rosalia, and Antonio and Manuel Prieto were the heirs of Padro Lopez Prieto. Manuel succeeded Padro Lopez Prieto in the possession. The land between Santa Rosalia and los Prietos was not occupied by any one, in 1807 and 1808—Doña Francisca occupied it after the death of Doña Xaviera occupied the land from the Prieto to the Puerta. He does not know whether they made any agreement as to occupying the land in separate portions or in common; knows they had their stocks at separate places.

On being cross-examined by the plaintiff's council, the witness stated that he came here at the request of Don Manuel Treviño and Francisco Yturia; has been staying here in the houses of friends; has a house in town,but his family not here; claimed no labor near this place; was 15, 16 or 17 years of age in 1813; can remember some things that took place then; can remember some conversations that took place then; did not have conversation with Padro Lopez Prieto then; he was then a boy; the first time he heard of the eastern boundary of the Espiritu Santo was in 1803; the person who spoke of it was the Mayordomo of Padro Lopez Prieto, Abito Cantu; Cantu stated that the surveys had been made and he had been present at them; does not remember anything else that was said; had heard Eustaquio Cantu, Crisostomo Longoria, Eugenio Treviño, and others speak of it; they stated that they had been at the making of the survey; does not remember anything else; they used to have frequent conversations before him; he saw the eastern line of the survey of the Espiritu Santo; was present when they commenced running the line; does not remember the exact time when it was run; thinks it was about 1824; does not know of any survey made before that time; the persons who were at the making of the survey told him that the line was six cordels below the tanque; those persons were Don Rafael Garcie, Don Manuel Garza, Don Manuel Prieto, and Don Ignacio Treviño; he is not certain that Don Manuel Prieto told him so, but he was present at the conversation; he does not know how many cordels there are in one league; nor how many varas in a cordel; does not know any other place than the rancho called the Tanque; never saw the family of Ignacio Treviño at the tanque; they lived at Camargo; the horses and cattle of Pedro Lopez Prieto and his sons did not graze down to the coast; when he first knew Treviño, he knew him to be at San Martin; he understood that Treviño went there believing it to be vacant land and desiring to acquire it; he did not hold it for Padro Lopez Prieto; does not know that Padro Lopez Prieto agreed to let Ignacio Treviño denounce the land in order to make up for some land which Padro Lopez Prieto had sold belonging to Ignacio Treviño's sister; knows that Guillermo Hinajosa was an overseer of Padro Lopez Prieto; Ignacio Treviño did not attend to the stock of Padro Lopez Prieto when the latter was at the rancho; thinks the stone lindero on the river was put there in 1824; the stakes were put there at the same time when the line was run; he did not see any linderos

or stakes there before 1820; does not know that Padro Lopez Prieto denounced the land below the tanque and claimed it as his; witness may say that he has lived at and near the tanque from 1803 to the present time; he knew Francisca Cabasos and Xaviere de la Garza very well; had no conversation with them; there were *corrales* and *jacales* at San Martin when he first knew it; does not know what they were built of; does not know whether Enrique Villareal was a tenant of Francisco Cavasos at Paso Viejo; knows Rancho de los Indios; it is on the Espiritu Santo; it is very near the Rancho del Reparo; the Rancho of the Indios is nearer to the coast than the Rancho del Reparo; they are less than a quarter of a league apart.

On being re-examined by defendants' counsel the witness testified that the men stated, in 1803, where the line ran, but not to him; he heard them say so to others; that was what he said on his direct examination; he did not intend to deny what he had said on his direct examination; a tanque is a hole or pit in a resaca, which holds water a long time—a kind of tank; there was a rancho called the Naranjas near the tanque, a little south of the tanque, near the river; the Rancho del Tanque was north of the Naranjas; the tanque was close to the pen of the rancho called El Tanque; he does not know when Guillermo Hinajosa was *caporal* of Padro Lopez Prieto; at the time when Treviño was *Administrador* of Pedro Lopez Prieto, Ignacio Treviño brought Guillermo Hinojosa to the tanque and put him there as *caporal;* there is a difference between the *caporal* and *mayordomo;* the first manages the stock, and the latter has the general supervision; he does not know how long Guillermo Hinojosa remained there as *caporal;* there is a difference between *administrador* and *mayordomo;* the first is the higher.

On being again cross-examined by plaintiff's counsel the same witness testified that, the persons who spoke about the position of the eastern line of the Espiritu Santo were Abito Cantu, Crisostomo Longoria, and Eugenio Treviño, who had been at the making of the survey; he heard them say that they commenced the line at the Abrasadoro del Laies, and that was called a fixed boundary; then run out a due east course and struck a derrame which comes out from the tanque, another comes out of the river, and the line passes by where these two derrame join. Abito Cantu was an old man, as old as witness is now; Crisostomo Longoria was about the same age; he only remembers their having said what they did.

The defendants then called as a witness Agapito Longoria, who testified that he was present when the alcalde called those persons named on the last page but one of the original of the document shown him (now marked) to sign it as witnesses; witness also signed it at the request of the alcalde; he was not present when this copy was compared with the original; the original was signed by Domingo de la Garza, who was the judge; the original related to the conclusion of the survey of some land for Rafael Garcia, Manuel de la Garza Sosa and Ignacio Treviño; witness is fifty-six years of age; knew

Ignacio Treviño; he occupied the rancho of San Martin, occupied it since 1812; does not know who established the rancho; he did not go there till he was a man grown; in 1812 witness was a boy at school; when he was a man he went down there and saw cattle; Treviño occupied it till his death; from that time his children occupied it; witness was there once or twice during Treviño's lifetime; has not been there since; knows nothing about the lines; does not know of any general reputation on the subject of boundary; did not hear persons present at the survey say anything about the boundary; he has heard of a place called the tanque; does not know anything about boundary; had heard the Espiritu Santo grant spoken of; does not know who were the owners.

On being cross-examined by the plaintiff's counsel this witness stated that he was very small when the sale of the land called San Juan de los Esteros was made, and did not know anything about it personally; Domingo de la Garza was reputed to be the son of Lorenzo de la Garza; witness did not know who was the second wife of Padro Lopez Prieto.

On re-examination, the same witness stated that Domingo de la Garza was one of the most respectable men of Matamoros.

The defendants then called as a witness, Antonio Ramires, who testified that he was sixty-five years of age; was born at the rancho of the Preates; this rancho is this side of the branch of Santa Rita, on this side of the river; this is in the land called Espiritu Santo. Knows the line coming from the Abrasadaro del Laies to the Puerta; knows the land called San Martin; the dividing line between that and the land of Espiritu Santo is six cordels below the drains of the tanque; the tanque is below this place to the east. He has known San Martin from time of his birth to the present; the person witness knew in possession of the San Martin was Ignacio Treviño; from the time witness first knew it, he, Treviño, had a rancho on it called San Martin; it may be a league a half, more or less, from the tanque; Ignacio Treviño had a pretty large stock of horses, say several *manada;* a *manada* is generally thirty-five head, it may be less; he remained there until he died; thinks it was in 1847 when Ignacio Treviño died. Pedro Prieto lived near the dividing line, at a rancho called the Tanque; Pedro Lopez Prieto must have lived there a long time; Prieto was there in 1802; does not know when Prieto died; his heirs were Don Manuel and Don Antonio Prieto; both sons took possession of the land after his death. Witness does not know of Pedro Lopez Prieto claiming land below the tanque; at a time when a survey was about to be made, and the lindero was put there, witness heard of a dispute but knows nothing about it; does not know that the children of Pedro Lopez Prieto had possession below the tanque; the dispute spoken of was about the survey; does not know any one in possession of the land below the tank, except Ignacio Treviño; he knew Guillermo Hinojosa; knew him in possession of the rancho San Martin, as a tenant of Ignacio Treviño; Guillermo Hinojosa told witness so. Does not know of any

labors below the tanque; does not know anything about the Hinojosas. Saw some persons at the San Rafael and the Baino, but does not know where they lived; this was in a bend of the river south of the tanque. Witness heard Padro Lopez Prieto say he was owner of the land from Santa Rosalia to the tanque; Manuel Prieto succeeded Pedro Lopez Prieto in his possessions; Francisco Cavasos was regarded as the owner of the land from Santa Rosalie to las Prietos; witness's father rented from her; never heard Doña Francisco claim land below the tanque; never heard Doña Xaviera claim any land at San Martin. Witness lives at the Raminño rancho on the Rio Grande, below the Prietos; has never lived below; lived near Doña Francisco as a renter from her, at the Prietos; witness's father was a renter in the vicinity of Rancho Viejo, on the land which Doña Francisco regarded as hers; he has heard Doña Francisco say that this land belonged to her; his father did not rent labors besides; witness knew Rafael Garcia Cavasos, he married a girl who was raised by Doña Francisco Cavasos; thinks her name was Josefa Cabasos, they have lived at Matamoros since the death of Doña Francisco. There was a sale made by Francisco Cabasos to Captain Paredes, and Rafael Garcia Cabasos set this land off, and delivered it to Pedro Hinojosa as the agent of Paredes; witness was at the dividing of it, but does not recollect the time, whether before or after the death of Don Francisco; saw a musquite stake driven at the dividing line, but does not know whether they made a permanent landmark or not; it was in the prairies, was at a place called the Palo Alto; was at a place called the Molita.

On being cross-examined by the plaintiff's counsel, the witness testified that,

It was public report that the line of the land of San Martin was six cordels below the tanque, and Manuel Prieto told him so. Does not know what time it was that Manuel Prieto told him so; it may be also 40 years ago that Manuel Prieto told him so. Witness does not know how many varas there is in a cordel. No one had told him recently that the line was six cordels below the tanque. He does not know that Pedro Lopez Prieto had possession of the land of San Martin up to the time of his death. Josefa Treviño was the second wife of Pedro Lopez Prieto. Don Ignacio Treviño recognized her as his sister. Pedro Lopez Prieto lived at Camargo until the time of his death. Ignacio Treviño lived at Camargo up to the time of his death. Camargo is on the south side of the river. Witness does not know the year when Ignacio Trevino died, whether before or after the last war. Does not know when Guillermo Hinojosa lived at the tanque. Never heard that Pedro Lopez Prieto and Manuel Prieto claimed the land below the tanque as theirs. The name of witness' father was Matias Ramires y Peña. There are two places called the Anaquitas; at one of them the father of Macedonio Ramires had stock. This place is north of the Palo Alto; it is north of this place. Witness does not remember that Juan Tijerina had tenants at Rancho Viejo, Musquite, and Tanatara. Knows

Enrique Villareal to be at Paso Viejo, but does not know whether as tenant or not. Rafael Garcia had stock at the Rancho de los Indios. Don Jose Maria Giron had stock at the Rancho of the Reposo. Don Manuel Prieto had stock at the Rancho of San Juan del Retiro. He knew those ranchos after he knew that at San Martin. Witness never heard of Ignacio Treviño being Mayordomo of Padro Lopez Prieto. Never saw Ignacio Treviño living at the Rancho del Tanque, but at San Martin. The stock of Pedro Lopez Prieto was kept in all the Agostadero, towards the north, in the vicinity of San Juan del Retiro and the Reposo.

The defendants then called as a witness Juan Medrano, who testified, that he was forty-five years of age; born at San Martin; lived there thirty-four years. Knows the boundaries of San Martin. Knows the dividing line between San Martin and the Espiritu Santo; it is about 300 yards more or less below the tanque. This line runs from south to north; at the commencement there is a stone mark; about one mile and a half there is a stake; thence along the line then another stake. Was present at the survey for Ignacio Treviño. Witness was one of the chain carriers. Saw Manuel Prieto there. At the commencement of the survey, Manuel Prieto wanted to have the line further down, and the others further up; this was all the difference. Manuel Prieto never claimed the land below the line, only claimed the line. Witness knew Ignacio Treviño. The land has been called the Potrero de San Martin since witness first knew it. He knew Ignacio Treviño from the time he, witness, came to the use of reason. Treviño had the Ranch of San Martin, and further down, at the mouth of the river, had persons holding under him. Witness has never known any one to claim it except Ignacio Treviño up to the time of his death. Ignacio Treviño had stock at the Potrero de San Martin; no one else had stock on it except him. The persons to whom he rented had no stock. There were no arrimados then but witness' father, and no one who had stock. Manuel Prieto lived on the Espiritu Santo, near the dividing line; had no stock which grazed below. Rodrigo Hinojosa and his brother lived at the place called the Estasos, claimed under Ignacio Treviño as tenants; they lived there some time; one lived a mile, and the other less, from the line of San Martin.

On cross-examination the same witness testified: The surveys of which he has spoken of were made in the year one thousand eight hundred and twenty-eight. The stakes and stones were put up at the time of the survey, in 1828; there are other stakes to the north put there in 1828; the line crosses the end of a *laguna;* one or two thousand varas wide; the line did not cross or touch any other *laguna* until it came to the end of the land of Manuel Garza Sosa, where it struck a *laguna;* the line struck the *laguna* there; the Arroyo Colorado was still further ahead; these are fresh water lagunes to the left of the line going north, but not salt-water lakes; these are down below. There are plains and ridges in San Martin,

the low lands are covered with water in times of freshet, the hills then become islands, and are surrounded with water. The *Masa de Gavilan* is near Boca-Chica; this is a ridge or isle and is large enough to feed several animals; it is sometimes surrounded by water when the sea rises; he does not recollect a schooner being driven a shore at the *Masa de Gavilan*, or anywhere else.

The grass there is that kind called taedquiste, and there the grass called sacaquista is eaten by animals, because there is no other; when the sea rises part of the land San Martin is covered with water; the water of the laguna has reached since he first knew this tract so as to leave more land than in former times; did not remember *Manuel Prieto* having stock in the *Rancho* of the *Repaso;* he did not remember *Manuel Prieto* having kept stock near the Arroyo Colorado.

On being re-examined by the defendants' attorney, the same witness testified, that it is about two leagues from the river to the laguna, where the line crossed; the mouth of the river is now where it always has been, is the same that it always has been since witness has known it, the *lomas* mentioned were always there; these *lomas* were fit for grazing, and have *masquite* timber on them; the land in the bends of the river was fit for cultivation; he did not know the lands up the *Espiritu Santo*, and could not say whether they was overflown or not; he knew the lands of *Palo Alto;* it is sometimes overflown when the river rises—there is good grass and sacaquista also on it.

The defendants then called as a witness *Leonado Salinas*, who testified that he was fifty-four years of age, and born in Matamoros; he had never lived on this side of the river; had lived at the *Russita* opposite *San Martin;* he knew the *Potrero* of *San Martin;* he knew Jose Ignacio Treviño from the year 1813, he had a *rancho* at *San Martin;* Jose Ignacio Treviño had stock during his whole lifetime, and from that up to this time his heirs have had stock there; he thinks Jose Ignacio Treviño died in the year 1842 or 1843; he had heard the *Espiritu Santo* tract spoken of as separate from *San Martin*, *Don Ignacio Treviño* claimed the *San Martin* tract as owner; he had been engaged in hauling goods from *Brazo de Santiago* to Matamoros, had to pass over it in 1829 or 1830; he paid Ignacio Treviño for pasturage of oxen on the *Masa de Gavilan*; he had seen Ignacio Treviño at his rancho; *Guadaloupe* Treviño used to remain at the rancho when Ignacio Treviño was at *Camargo;* he knew *Francisca Cabasos* very slightly; he knew *Don Manuel Prieto* but not *Pedro Lopez* Prieto; he did know of Manuel Prieto having possession of the *San Martin* lands; he lived at the *tanque*, *Santa Rosalia* and Matamoros, had stock at the *tanque;* he never saw any stock of *Manuel Prieto* grazing below the *tanque.*

And on being cross-examined the same witness testified that it was some years since *he* was on the land; he had not been there since the year 1840; he lived at *Matamoros*, and the hands of Ignacio

Trevino lived at *San Martin*, and so knows that the latter have had possession of the land; he has seen the heirs in possession of *San Martin* since 1842, but knows that they have been in possession; he crossed his goods across the *Boca Chia* in a flat boat; he recollected a schooner being driven ashore at the *Mesa de Gavilan;* when the sea receded the schooner was about two miles from the edge of salt water; he did not know of goods being taken from *Brazos Santiago* to the *Rio Grande* in boats.

On being re-examined by the defendant's counsel, the same witness testified that the vessel was a small one of one mast; she might float in three or four feet of water; she was left on the high land against the *Mesa de Gavilan;* the vessel was driven from the Brazos harbor; from the Brazos to where the vessel was thrown ashore was water; there was no water at the place where the vessel went ashore; the vessel went ashore in a squall, heavy storm (chubasco).

The defendants then called as a witness *Andres Pineda*, who testified that he had held several offices, and been a custom-house officer; he had been writing in the *Jusgado* as secretary since last January, but not before; he knew Ignacio Treviño died in the year 1841 or 1842 as he had heard; he knew the *San Martin* tract; Ignacio Treviño was the owner of it; he had stock on it and fields; he had a rancho there; he had his sons there, and the oldest son acted for the father; he had servants there; no person other than Ignacio Treviño had possession; after that his children had possession; the reason he said this was because he was partitioning judge of the estate of Treviño at the time, and put them in possession of the land; he had seen an old title for the *Potrero del Espiritu Santo;* Ignacio Treviño was in possession for many years; he did not know the time; it is called in witness's country immemorial possession; he had had possession before 1828; he did not know *Pedro Lopez Prieto*, but knew *Manuel Prieto;* he had several ranchos; had some this side of the river; his principal rancho was at *San Rafael;* had another at the *tanque*, and several others on the river; the line was at the tanque; from that this way the land was considered *Prieto's;* on the other side was considered as *Treviño's; Manuel Prieto* claimed the land called the *Saino*, near the dividing line; it is below line; until he found by the title of *Ignacio Treviño* that he did not own it, and then he gave it up; there was only a difference between *Ignacio Treviño* and *Manuel Prieto* as to the line on the river; as to the other points there was no difference; he knew *Francisca Cavasos;* did not know the boundaries of *Espiritu Santo* tract, but did not know of her having any difference with the Treviños.

He being cross-examined by the plaintiff's counsel, the same witness testified that he was a connection of *Treviño's;* his first wife was a niece of *Ignacio Treviño's;* the lands of *San Martin*, claimed by *Ignacio Treviño*, extended down to the shore of the laguna and the sea; he did not know that *Ignacio Treviño* had a title to *San Mar-*

tin before 1828 or not; *Ignacio Treviño* had possession before 1828, but *he* did not know the date of his title; he was very young when he first knew *Ignacio Treviño;* from 1825 to 1850 he was at *San Martin* several times; the place was never abandoned; when the Indians came down the people crossed over the river, but their fields and stock remained, and the inhabitants returned; the place was not abandoned during the American war; the sons of *Ignacio Treviño* were there; *Ignacio Treviño* died in *Camargo;* his residence was always at *Camargo;* his property and stock were down here; he never knew *Manuel Prieto* claimed any right in the land, or that the surveys or grants were involved; he knew there was some difference between *Manuel Prieto* and Rafael Garcia, Manuel de la Garza Sosa and Ignacio Treviño; but it was about the line; it was in former times supposed that *Pedro Lopez Prieto* had denounced the land but it was never carried out, and the lands were subsequently granted to these persons; he thought Don Lorenzo de la Garza was father of Don Domingo de la Garza; when he, witness, came to Matamoros in 1815, the town was built on a place previously called *San Juan de los Esteros;* Doña Rita Giron claimed to be owner, but he did not know; he obtained his information as to the western line of the *San Martin* tract from being a relative of the family, and hearing them converse about it, and afterwards being present at the division among the children of *Ignacio Treviño*, and from hearing the contention between Manuel de la Garza Sosa, attorney in fact of Ignacio Treviño and Manuel Prieto, about the line; it was many years ago when I first heard of the W. line of San Martin; he did remember that it was before 1824.

The defendants then called as a witness *Manuel Cantu*, who testified that he lived at *Santa Rosalia;* the original of the documents shown him (now marked) is in Camargo among the archives thereof; the paper shown him is a correct copy of the original as compared by witness.

The defendants then called as a witness, Nepomnecino Cavasos, who testified that he was fifty-nine years old; was born in *old hynose* on the *Rio Grande*, 25 or 6 leagues above this place; he had lived no nearer to Matamoros, although he had been there; he knew very little about the *Espiritu Santo* tract; believes it to be this tract; he had heard the tract of San Martin spoken of, but did know it; had understood by general reputation that Ignacio Trevino was owner of the land; he knew Doña Francisca Cabasos; she claimed land on this side of the river; she claimed the site of *Brownsville;* he did not know the boundaries that she claimed; knew that Manuel Prieto had a ranch called the Tanque; he never heard that Doña Francisca claimed land below the tanque; Francisca Cabasos was sister to witness; she might have claimed other lands than at Brownsville; he did not know whether she did or not; he never heard of her claiming the land of *San Martin;* he did hear, by reputation, that there was a line near the *tanque*, and there was a dispute about it; he did not know the San Martin tract; it was a num-

ber of years ago; he was young at the time when he first heard that Ignacio Treviño claimed San Martin.

On being cross-examined, by the plaintiff's counsel, the same witness testified that he was one of the owners of the tract of land called *San Juan el Carreritos;* he claimed it to extend on the east down to the *Laguna Madre.* It was generally reported from the time he first knew the land, that the tract extended down to the *Laguna Madre*, and followed along the *Arroyo Colorado;* he said so because the map shows it; he thinks the map is at *Reynosa*, or in the hands of the lawyer, Mr. Barre. The land to the south extends to the *Arroyo Colorado*, the whole front on the south side is the Arroyo Colorado. He had always lived on this tract of land. On being re-examined by the defendants' counsel, the same witness testified that—

He supposed the map showed that the land fronted on the Arroyo Colorado, that was the reason he, witness, said so. His older brother recognized the *Arroyo Colorado* as the southern boundary or line. The defendants then objected to the foregoing testimony given as the cross-examination of this witness, on the ground that there was better evidence, and the said testimony was accordingly excluded by the land to which the plaintiff excepted.

The defendants then recalled Pineda, who testified that—

He knew the family of *Ignacio Treviño*, his children were seven: Guadeloupe, Ignacio, Concepcion, Mariano, Rafaela, Dranesia, and Manuel. He did not know the relationship between Matias Garcia and Rafael Garcia.

The defendants then called as a witness Jose Maria Bares, who testified that—

He was twenty-nine years old; was born at *Mier*, and raised here. He moved here about ten years old; he had lived where he then was living about two years; he had lived at Matamoros since he had been there; he had been a servant of the people of the tanque. Padro Lopez Prieto raised witness; he was employed as shepherd or *vaquero.* Pedro Lopez Prieto instructed him to graze the cattle from the *Abrevedene del Sanes* upwards. This place was near the tanque; he did not mean the place of the same name above *Santa Rita;* he knew *San Martin*, it was below the *tanque*, Ignacio Trevino was in possession; had a *rancho* on it and stock. He knew him to have stock there from the time he, the witness, came to use of reason. His children had possession after his death; he knew no other claimants than Ignacio Treviño. Padro Lopez Prieto had a rancho at the tanque. The line between the land of Tanque and *San Martin* was a slough that came out of the *tanque.* Padro Lopez Prieto claimed the land from the *tanque* to *Santa Rosalia;* he did not know whether the children of Pedro Lopez Prieto claimed land below the *tanque.* The reason P. L. Prieto gave him these

directions about pasturing stock, was because the land below it belonged to Ignacio Treviño. Pedro Lopez Prieto told him, witness, that the land below the *tanque* belonged to *Ignacio Treviño.*

On being cross-examined by the plaintiff's counsel, the same witness testified that he was ten years of age, or upwards, when those circumstances with Pedro Lopez Prieto took place; he remembered some things that took place then and not others; *Manuel Treviño* had spoken to him about his testimony; he, witness, had told the same that he had testified here; Padro Lopez Prieto never told him that he was going to denounce the lands of *San Martin* for Ignacio Treviño; Padro Lopez Prieto married a sister of Ignacio Treviño in second marriage; his first wife was *Doña Margarita de la Garze*; she was mother to Antonio and Manuel Prieto; at the time he, witness, went there to live, Antonio and Manuel Prieto were very young; he, witness, did not know whether Pedro Lopez Prieto had any property of his own; he did not know that Padro Lopez Prieto agreed with Ignacio Treviño to make up in lands of San Martin for lands of his second wife; he gave his testimony in this case three years ago; he did not remember having said then that Padro Lopez Prieto denounced the land of *San* Martin for Ignacio Treviño; Ignacio Treviño was administrador of Pedro Lopez Prieto; P. Lo. Prieto told him, witness, that the land from the *tanque* down belonged to Ignacio Treviño; he had said that the lands of *San Martin* commenced six leagues below the *tanque*, but had forgotten; it is three cordels below the *tanque*; he don't know how many cordels there are in a league, or varas in a cordel; the lands of *San Martin* commenced three cordels below the *tanque*, because he had seen it; no one had told him so recently; no one told him so three years ago; he came here at the request of Don Manuel Treviño.

The defendants then called as a witness Antonio Mendosa, who testified that he lived at *San Martin*, and had lived there since 1808; he was *arrimado* and worked for the sons of *Ignacio Treviño*, the owners of the rancho; he was sixty-eight years of age; was born in *San Fernando de Pusas*; he lived all his lifetime on the Rio Grande; he knew *Ignacio Treviño*; he lived at the Rancho of *San Martin*; he had stock there; he knew the Rancho of Pedro Lopez Prieto; it was two leagues from the *Rancho* of *San Martin*; he knew the dividing line between the lands of the two ranchos; it was near the tanque; the lindero run from south to north; there were three stakes and two rocks on the line; the children of Ignacio Treviño had possession of the land after his death; he had known no other person in possession of the land; Padro Lopez Prieto never occupied it in any way; Manuel Prieto occupied the same rancho as his father; he never had possession below the *lindero* spoken of; the lindero spoken of is sixty *cordeladas* below the *tanque*; the *lindero* was about a mile from the river; he meant by *lindero* the stake; he did not mean the line; this *lindero* was

north of the *tanque*; this was the *lindero* he spoke of as being sixty *cordelas* from the *tanque*.

On being cross-examined by the plaintiff's counsel, the witness testified that no one told him that this *lindero* was sixty cordels, knows it by the survey which was made; the survey was made in 1828; the stake was put up there; the stake was to the east of the *tanque;* witness did not know Ignacio Treviño as *administrador or mayordomo* of Pedro Lopez Prieto; thinks they were great friends because they were brothers-in-law; there were two or three *jacals* at *San Martin* at that time; those were built when he went there; Ignacio Treviño built a new house afterwards, the old one must have tumbled down; the Indians sometimes attacked the rancho and the people passed over to the other side of the river; the son of Ignacio Treviño, who is living, remained there during the war.

On re-examination by the defendants' counsel, the same witness states that the stake in the prairie east of the tanque is about sixty cordeles distant, calls a stake a *lindero;* the line commences on the river, at the place called the Saino; the line runs then north; the line passes 40 varas from the gate of the pen of the tanque; does not know how far north it is to the stakes; does not know how many leagues it is; the line lies east of the tanque; Manuel Treviño did not fight the Indians, but they came upon him while he was out hunting stock, and pursued him and wounded him; the family moved over the other side, but Manuel Treviño went over to look after the stock; they did not abandon the rancho, but returned in a few days; the canal is just at the tanque.

The defendants then called as a witness *Nicolas Chano*, who testified that he knew the Arroyo Colorado; has cattle there; the creek does not present a barrier to cattle crossing; a little below the crossing, and from that down to the mouth a man could cross on horseback; he had crossed himself at the *Tavesnas*, near the mouth, at high water, did not wet above his saddle skirts; he had to cross the creek to bring the cattle back which had strayed across it; he crossed at the Tavesnas; could not pass below the Tavesnas because boggy; the water is low most of the year; the bottom is sand and hard; there was no difficulty in cattle crossing; the stream could be crossed from the Tavesnas up to the *Capstanero*, about three leagues; when it is high water you could only cross at the *Tavesnas;* in low water at the other places; the country between the Arroyo Colorado and the river is at times overflowed; the resacas on the side next the Rio Grande, are filled with water from the Arroyo; he had known some of the prairie around *Palo Alto* covered with the water; he supposed it came from the river; the grass is mainly sacaquiste, or coarse wire grass.

On being cross-examined by the plaintiff's counsel the same witness testified that he had known the Arroyo Colorado since the year 1846, but not before; the water about *Palo Alto* extended about a league towards Point *Isabel*, in 1846, he had never seen it so since;

on the western side of *Palo Alto* the water only extended about one hundred yards, since that came to a hill; the coarse grass spoken of was about *Palo Alto;* in high water the Arroyo can still be crossed, at the *Palmitas* above the Paso; this is the first crossing when the creek is high; then it comes up higher than the saddle; the Arroyo Colorado extends up from twelve to fourteen leagues above *Paso Real.*

The said defendants then re-called as a witness Felix A. Blucher, who testified that he had compared the field notes with the field notes in the book; found them generally correct copies, some slight mistakes; made map from the field notes in book, it is correct; the contents of the Espiritu Santo, by George Lyon's survey, is sixty-four leagues; there is about nine leagues in the gore between a line run magnetic and a line run true north; the Tamaulipas surveys contain 20½ leagues; San Martin may be called a potrero; a potrero is so called for being as far surrounded by natural or artificial boundaries as to keep stock in it; it need not be entirely surrounded on all sides; there might be a large potrero, and a small one included within it; lindaro is a visible boundary mark; mojonera is a monument erected to make a boundary; majan is a marked place to denote boundary; has seen in titles a requirement to erect majanes of concrete or stone to mark their *linderos;* have seen mojoneras used synonomously with *lindero;* dictionary dated in 1783; does sincerely think that linderos always mean natural boundaries; "bajo los linderos" means within the boundaries; it is usually employed with reference to a survey in which the surveyor has stated that he placed marks denoting boundaries.

On being cross-examined by the plaintiff's counsel the same witness testified that the rancho of San Juan del Retiro is only 500 or 600 yards from the line of 1828; is 6,210 varas from the magnetic line, or a little over one league; the line of 1828 only crosses one laguna; if the Spanish surveyor had run down to the mouth of the river, and then magnetic north, he would have run into the gulf; at 993 cordeles he would have been in the gulf; it could not have run along the Laguna Madre; if the Spanish surveyor intended to run the eastern line with as little trouble as possible he could not have come down much lower than he did; if he were instructed to survey the land inclosed within the Rio Grande, the Arroyo Colorado, and the *Lagunas,* by running base lines, by cardinal points, he would have run these base lines pretty much as they were done by the Spanish surveyor; these would serve to make effects; *lindero,* on page fifty-six of San Martin title, means boundary; it also states that the potrero is formed by the Laguna Madre; the plot of the surveyor of *Santa Isabel* shows rectangular lines running at a distance from the shore, except one, which seems to run along it; surveyors run straight lines in measuring, in order to ascertain the contents of an irregular figure; if he were required to survey an irregular figure by running a few straight lines approximating to the general course he would

do so without minute meandering; when he spoke of small *Potrero* going out of the large one, he meant, or understood, that the small *Potrero* are a part of the large one; if the *Laguna Madre* bounds the Espiritu Santo tract on one side, and the Rio Grande on the other, then the only connecting line would be along the coast to the *Boca Chica*, and all the land down to the sea would be included, and it would include *San Martin;* the term "*Linderos*" may be applied to the *Laguna Madre*, *Arroyo Colorado*, and *Rio Grande*, and if the phrase "*bajo los Linderos*" refers to these, then the phrase would include the whole tract; that *mojonera* means a boundary mark placed at the termination of a line run, or at a convenient place near the end of the line or boundary; he had seen several heaps of stone several hundred yards from the end of the boundary at some convenient place on it.

The surveyor put a mark at the end of the second line and the beginning of the third.

The third line did not begin at the end of the first, a line drawn west 319 *cordeles* from any part on the *Laguna Madre* to the Arroyo Colorado would strike across the country to the Arroyo, and would not run along the Arroyo.

And on being re-examined by the defendants' counsel, the same witness testified that if he were to resurvey the Spanish survey he would do it so as to ascertain all the contents, and he would not do it as is done in the *San Martin* survey; that survey shows about one league in excess; he thought an accurate estimate of the contents could not be made without taking the outside parts into consideration; there is no necessity of running a north line in order to ascertain the quantity, it could not be done by running a north line alone.

And on being cross-examined by the plaintiff's counsel, the same witness testified that in Spanish titles there is no meandering is stated; in all he had seen the lines run by the cardinal points; in making estimate of quantities, the surveyor run offsets or jags—sometimes in running along a creek, when the creek recedes they run by making a jag, always by the cardinal points.

The defendants then called as a witness Mariaro Treviñ, who tes tified that he was 45 years of age; resides in Cameron County, sometimes in Brownsville, sometimes in his rancho below; this is on the Espiritu Santo grant; his rancho is at the Falreta, southwest of the tanque. Witness was born in Monterey; married to Teresa Prieto; has claimed land until lately in the Espiritu Santo, but has recently sold it; they have claimed land on the part of Manuel Prieto, this they have sold; has still another part, which he has not sold; claimed the part sold on the part of his wife, and by purchase from two sisters; two leagues, more or less, in right of wife, and four from the sisters; the two leagues were fronting on the river, in the place called Aunal, with a front of 1000 veras. His wife's share was not the lowermost part of the Espiritu Santo, but there were

other parts which he had bought, one of which extended to the line; he first heard of the Espiritu Santo in 1835; there were then some differences about the line; in the year 1828 or 1829, a line had been established by the authorities of Tamulipas, Don Manuel Prieto had contended that his line extended somewhat below the line; Manuel Prieto contended that the line established by the State could not be the true line, because the newly established line did not pass a league beyond the rancho of Santa Rosalia, and he, Manuel Prieto, had always understood that the true line passed at that distance; Manuel Prieto had formerly not ceased his opposition; witness did not know that he desisted; that Manuel Prieto told him shortly before his death that he had an opposing claim as to that line; he heard from Manuel Prieto that Rafael Garcia and Manuel Garza had settled on these places at Indias and *Buena Vista* as his tenants, and after the survey of 1828, these persons claimed the land as their own. Manuel Prieto did not say that these persons, after the survey, claimed under him; Manuel Prieto protested against the line, but knew they had a grant and claimed under it; witness did not know whether Manuel Prieto had possession of the San Martin; has not heard that since 1835, Manuel Prieto or his heirs have had possession of any part of San Martin; witness has had no possession of San Martin since 1835; heard Manuel Prieto speak of different meetings; does not know which is meant; never was in Matamoros before his marriage; Manuel Prieto informed him of the affair of the tract of land in 1835, and spoke of having meetings of the heirs of the Espiritu Santo, and that they had left him alone to prosecute the claim himself between the two lines; this was in a document before the Alcalde of Matamoros. Before the death of Manuel Prieto, witness heard Juan Treanor propose to enter into a suit to recover the land in question, that he was satisfied with the line run; Manuel Prieto thought there was a difference between the two lines run in 1828, and the line which Manuel Prieto claimed; the object of Juan Treanor was to induce him to join in a suit for the land to the sea; witness had a conversation with Juan Treanor about the subject, and has declined to join in any such suit; witness has only wanted the line of '81 correctly established. Was educated in Monterey, in the College of Monterey; believes both dictionaries shown him are those of the Spanish Academy; Salvas' Dictionary is much newer, and the author has a great reputation; it is a standard work in Spain and Mexico, being correct and complete.

On being cross-examined, the witness testified that Manuel Prieto told him that Rafael Garcia and Manuel de la Garze Sosa were his, Prieto's, tenants before the survey of 1828; does not know the relation between Rafael Garcia and Matias Garcia. Manuel de la Garza Sosa had his rancho at Palo Blanco in *Buena Vista.* This rancho was east of the line run in 1828. Manuel Prieto had also been in possession of the place of the Naranjas; and this place he points out on the map as above the line; has been in possession of

a place called *el Saus*, above the line, but not of the place called *El Abrasadaro de los Sauces*, below the line. The rancho of *los Indios* were first in possession of Rafael Garcia after the war. They found out that the line was not a due north line, but west of north; and the chareo would fall in the Espiritu Santo by a line run true north; and a tenant was put there by the heirs of Manuel Prieto; and it was understood that this tenant was to hold for the true owner, and should hold for whomsoever should turn out so to be, when the line was correctly run. Witness knows that the heirs to the upper part of the Espiritu Santo made a division by George Lyon, in 1854; and the two lowermost shareholders of the Espiritu Santo grant did not agree to this division, because they did not agree to the lower line. George Lyon ran a part of the line between Doña Angela de Tarnava and Ramon Labon, and the heirs of Manuel Prieto to serve as a basis for a division until the true line should be determined. This dividing-line was run magnetic. Immediately after the survey, the Tarnava family turned over to him part of a field, but afterwards took it back. The Tarnavas told witness's tenants below the line not to pay him rent.

On re-examination by the defendant's counsel, the same witness testified that the land claimed by Doña Tarnara was that claimed by Antonio Prieto. They claimed no more in the Espiritu Santo. The agreement spoken of was a verbal one. Ramon Lafon, Antonio Garze de Chapa, and witness joined in the agreement. Chapa was attorney in fact for the Tarnavas. Between the two parties witness, those claiming under Manuel Prieto and those under Antonio Prieto, this division was made; Maria Josefa Cabasos had nothing to do with this; the heirs of Ignacio Treviño have always claimed the line of 1828; they have been talking about it, but have not agreed to; they have neither consented nor dissented from the survey of the eastern magnetic line run by Lyon Manuel Treviño; when the eastern magnetic line was run by Lyon, the other claimants was cited, and did not appear; Manuel Treviño did not oppose it; said he would not object to that line if he could get out of his difficulties with giving up that; no one was in possession of this gore on the San Martin, because it was not worth holding; it was a mere *laguna*. The heirs of Ignacio Treviño were not parties to this division between the heirs of Manuel Prieto and the Tarnava family. The rancho de las Narangas is inside of the line (evidence as to partition of Espiritu Santo since the commencement of suit and running division line was excluded on exception). And the defendants then gave in evidence a deed of conveyance from Dionicia Treviño to Ebin Cobb and E. M. Anderson, which was as follows:—

Dionicia Treviño to Eben Cobb, E. M. Anderson.

(Deed for one-quarter of the San Martin.)

State of Texas, County of Cameron, ss.

Know all men by these presents, that I, Dionicia Treviño, one of the heirs at law, and daughter of Ygnacio Treviño, deceased, for, and in consideration of the sum of four hundred and fifty dollars lawful money, to me in hand paid by Eben Cobb and Edward M. Anderson, of said State and county, the receipt whereof is hereby conferred and acknowledged, have bargained, granted, sold, and conveyed, and hereby do bargain, grant, sell, and convey unto the said Cobb and Anderson and to their heirs and assigns all my right, title, interest, and claim of, in, and to all that entire tract or grant of land situated in said county, and known and called the Agostaderos or pasture lands of the *San Martin*, embracing five and a half square leagues of land, be the same more or less, the said right, claim, or interest herein sold and conveyed being the one-seventh part thereof, said tract or grant extending from near the tanque to the mouth of the Rio Grande, and fronting on and along said river, together with all and any the rights, hereditaments and appurtenances to the same belonging or in acquired incidents or appertaining, to have and to hold the right in trust and claim herein conveyed unto them, the said Cobb and Anderson, and to their heirs and assigns forever.

In witness whereof I have hereto set my hand and seal, using scroll for seal, this 11th day of April, A. D. 1856.

her
DIONICIA × TREVIÑO GARCIE, [L. S.].
mark.

Witnesses — FRAN'CO YTURIA, MANUEL TREVIÑO GARCIE, A. TREVIÑO.

The State of Texas, County of Cameron.

Before me, Rud H. Fry, a notary public in and for the county and State aforesaid, duly commissioned and sworn, this day personally appeared Andres Treviño, one of the subscribing witnesses to the foregoing instrument of writing, to me well known, and who being by me duly sworn according to law, stated on oath that he saw Dionicia Treviño Garcia make the mark to the same, and that she acknowledged the same to be her act, and did for the use and purpose therein set forth and expressed, and that he signed the same as a witness at the request of the said Dionicia Treviño Garcia.

In testimony whereof I have hereunto set my hand and seal of office, at my office in the city of Brownsville, county and State aforesaid, this the 11th day of April, A. D. 1856.

[SEAL.] RUD H. FRY, Notary Public.

The State of Texas, County of Cameron.

I, Sam. P. Gelston, Clerk of the County Court in and for the county and State aforesaid, do hereby certify that the foregoing instrument of writing was filed for record in my office on the 11th day of April, A. D. 1856, at one o'clock P. M., and was duly recorded April the 13th, A. D. 1856, in book "F" of real estate, on pages 507 and 508.

[SEAL.] In testimony whereof I have hereunto set my hand and seal of office this the 13th day of April, A. D. 1856.

SAM. P. GELSTON,
Clerk County Court, County Cameron.
By RUD H. FRY, Deputy.

And the said defendants then gave as evidence the map or plan to which the witness Blucher had testified, a copy of which is herein inserted.

[For map see original page 566.]

And the said defendants then gave in evidence a document purporting to be a copy of an act of sale from Marie Francisce Cabasos to Jose Miguel Parados, with a translation, both of which are set forth in the second bill of exceptions to which reference is made.

And the said defendants then gave in evidence three papers which were proved to be correct copies of the originals in the archives of the city of Matamoros, purporting to be proceedings in suit between Manuel Prieto and certain other parties, with translatings which were admitted as generally correct, but subject to comparison with the original, which papers and translations are as follows:—

MANUEL PRIETO
vs.
GUADALUPE TREVINO.

(Claim of property by proceedings before the Alcalde.)

En la ciudad de Matamoros, á 27 d Abril de 1839, ante me Manuel Galan, Alcalde, 3o. constitucional Jues conciliador comparecione Don Manuel Prieto y Dn. Guadalupe Treviño y pa. conciliarse trajeron de hombres buenos ol 1o á Don Felix Mateos y el 1o á Don Dme. Grima y manifesto Sr. Prieto; que en el año de 1836 entablo conciliacion contra Don Anto. y D Don Rodrigo Hinojosa en referencia a una labor que poseaba dentro de sus terrenos sin consustimiento suyo; y como en esa vez se falló en su fabor de cuyo fallo, nunca apolasin seno accedicion defando dicha labor a hara de nuevo han vuelto ha aceptarle y amé tambien el Sr. Don Guadalupe Treviño; por lo cual pide que les privinjan la evaccion y la satisfagan los frutos cosechados y a si lo contesto Don Guadalupe Treviño y dijo estando ausente Don Anto. Hinojosa que no siendo el que habla

persona lejitima para contestar en esta demanda de esto debe deducirse y nada tiene que hacer sobre el particular y si lo hara su Sr. Padre Don Ygnacio Treviño como lejitimo propietario del terreno que ocupa de irden de dicho es vido el parecer de los hombres buenos con que me conforme determino por providencia conciliatoria que no siendo el demandado persona lejitima capas de contestar en este negocio; que se suspendan por unos y otros el cultivo del terreno ventilado, enta se presento Don Ygnacio Treviño propietario conocido á dechecir su derecho con los titulos de propiedad que tenga exhortandose al efecto por qn. lo pida para que lo verifique de cuya providencia impuestos las partes defensa; el actor que no se conforma y el demandado que si se conforman y para constancia lo firman conmigo los hombres buenos y las partes doy fe.

MANUEL GALAN,
DNA. GRIMA,
FELIX MATEOS,
MANUEL PRIETO,
J. G. GANIO.

In the city of Matamoros on the 27th day of April 1839, before me, Manuel Galan, third constitutional alcalde and conciliatory judge, there appeared Don Manuel Prieto and Don Guadalupe Treviño, and for a conciliation they brought as their advocats (hombres buenos), the first Don Felix Mateo, and the latter Don Bartolome Grima: and Mr. Prieto set forth, that, in the year 1836, he entered into a suit of conciliation against Don Antonio and Don Rodrigo Hinojosa with reference to a labor which he possessed within his lands without his consent, and whereas, on that occasion, judgment was rendered against him, from which judgment they never appealed, but acceded thereto by leaving said labor, they have now anew again accepted the same and also Don Guadalupe Treviño besides; wherefore he asks that they evacuate the said labor and satisfy him for the value of the fruits therefrom raised; and to all this Don Guadalupe Treviño answered and said, Don Antonio Hinojosa being present, that the deponent not being the legitimate person to reply in this suit, it must be deduced from this that he has nought to do in this particular, which reply will be made by his father, Don Ygnacio Treviño, as the legitimate owner of the land which he occupies by order of said gentleman. Having heard the opinions of the advocates, with which I agreed, I determine, as a conciliatory provision, that the defendant not being the legitimate person capable of answering in this suit, that the cultivation of the land herein be suspended by the parties on both sides until the appearance of Don Ygnacio Treviño, who is the known proprietor thereof, to deduct his right with titles of property that he may have, exhorting him to the effect that he ask it; and the parties having become acquainted with this provision said, the plaintiff that he does not agree thereto,

and the defendant that he does. And in evidence thereof the advocates and parties herein have signed it with me. I give faith.

MANUEL GALAN,
BARTOLOME GRIMA,
FELIX MATIO,
MANUEL PRIETO,
YGNACIO G. TREVINO.

Release of Right.

(Release of right by Manuel Prieto, 3d February, 1840.)

Manuel Prieto, &c., to Ignacio Treviño.

En la ciudad de Matamoros a las tres de Febrero de mil ochocientos cuarenta ante mi el Dn. Leonardo Salinas, Alcalde 3o. constitucional y testigos de a sierla compareiseron los Señores Don Manuel Prieto y Don Manuel Gza. Sosa apoderado este ultimo de Don Ignacio Treviño de esta vecindad y dijo el primero que aunque en el libro de actos de juicio comstiatorior practicados en este mismo jusgado a instancia del que habla aparese una, Fecha 27 del año ppcto. en que se hase referencia de otra practicada en treinta y dies y en el jusgado 1o. de Paz ninguna de aquellas tiene validacion por que dar plenamente satisfecho por los titulos del referido Don Ignacio Treviño, que el motivo que lo ha impulsado entonces a promoverlo era por equivocacion, puso el terreno cuestionado era sin duda ninguna el incluso en la medidida y (e) en benificio de Don Ignacio Treviño se hijo y que por lo mismo sobre este particular nunca jamas volvira á molestar á los que por conducta de aquel Sr. ocupen el indicado terreno; cuyo convenco acavaban de celebrar el que espone y el indicadado de Manuel de la Garza Sosa apoderado de Don Ignacio Treviño y para constancia amber lo firmar con migo y los de mis arreta. en la forma ordenario doy fe—entre renglones—mismo—vale.

LEONARDO SALINAS,
MANUEL PRIETO,
MANUEL DE LA G'ZA SOSA.

A. JUAN J. GALBERT.
A. R. GOMEZ.

In the city of Matamoros, on the 3d day of February, 1840, before me, the citizen Leonardo Salinas, third constitutional Alcalde, and assistant witnesses, personally appear the gentlemen Don Manuel Prieto and Don Manuel Garza Sosa, the latter as the empowered attorney of Don Ygnacio Treviño of this vicinity, and the former said: that although in the book of conciliatory acts practised in this same court, at the request of these there appeared one practised, at the request of the declarant, dated the 27th of last year, wherein reference is made to another such act, practised in '36, and in the first court of peace, neither of said acts has a validity, inasmuch as he is satisfied by the titles of Don Ygnacio Treviño; that

the motive which has impelled him there to remove him arose from sheer mistake, for the land in question was without a doubt that same included within the survey which was made for the benefit of Don Ygnacio Treviño; and that, therefore, he will never hereafter, upon this particular molest those who, through said gentlemen, may occupy said land, which agreement will be concluded between the declarant and the above mentioned Manuel de la Garza Sosa, empowered attorney for Don Ygnacio Treviño, and in evidence thereof, both do sign it with me, and also those of my assistance, in the ordinary form, I attest.

LEONARDO SALINAS,
MANUEL PRIETO,
MANUEL DE LA GARZA SOSA.

Assistant witnesses—JUAN J. GALBERT,
R. GOMES.

MANUEL PRIETO
vs.
ANTONIO AND RODRIGUES HINOJOSA.

(Proceedings before Alcalde as to labors of land.)

En la ciudad de Matamoros a los 5 dias del mes de Octubre de 1836 ante me Manuel Galan Jues 1o de paz de presento a conciliacion Don Manuel Prieto con los ciudadanos Antonio y Rodrigo Hinojosa y Antonio Treviño pidiendo que Don Antonio Hinojosa le restituya una labor que ocupa en un terreno nuetral que divide las propiedades del que habla y las de Don Ygnacio Treviño y le pagua la mitad de los frutos del citado terreno de que haya hecho uso y contra C. Rodrigo y Treviño, para que desocupen otro terreno de labor que ocupan el cual es de su propiedad; y le veintegran los frutos que de el han sacado, como que el efecto han sido reconvensidos, contestando Don Rodrigo Hinjosa dijo que con motivo de que esta ocupando el terreno por Don Guadalupe Treviño, hijo de Don Ygnacio no pudo decir nada en el particular contestando Don Antonio Trevino dijo que estando alli por el citado Don Guadalupe Treviño como consta de un documento entrajudicial que presento, erce que se ocurra con dicho Treviño, por ser el que habla amendatacio de aquel, en repliéa dijo el demandante que como los demandados estan poseyendo á ellos ocurra para que se los desocupen, fueron los hombres buenos por el actor Don Antonio Zavala y por los demandados Don Jorge Lopes de Lara quienes impuestos de la demanda los invitaron a composision y no consiguiendo el fin opinó Zavala que en atension a que los actos de medidas que presento el actor manifiestan que los terrenos que reclama Don Rodrigo y Don Antonio Treviño son de su propiedad deven estos pagar al reclamante lo que les demanda y desocupar los terrenos; y en cuanto al terreno nuetral dise que deve Don Antonio Hinojosa pagar la mitad de los frutos que se le piden, como q. l' ambos propietarios deben disfrutarlo, el

del segundo dijo; que en atencion a que los reclamados con arrendatarios de Don Ygnacio Treviño a este se debe ocurror; por no ser personales legitimas, ni deben contestar por propiedades agenas. Yo el presento por puas me adhiero a la opinion de Don Antonio Zavala en atencion a que vistos los autos manifiestan claramente que los terrenos que ocupan Don Rodrigo y Don Antonio Treviño, son de la propiedad de Prieto, y el que ocupa Don Antonio Hinojosa, is el neutral que divide a Don Ygnacio y'a Prieto. Notificada a los partes, dijo el actor que se conforme y los demandados que no son conformes, para cuya constancia lo firman con los hombres buenos no haciendolo las partes demandadas por no saber.

MANUEL GALAN,
JORGE LOPES DE SARA,
ANTONIO SAVALA,
MANUEL PRIETO.

MANUEL DE ELIRONDO, de prolidad.

In the city of Matamoros, on the 5th day of the month of October, 1836, before me, Manuel Galen, 1st judge of the peace, personally appeared for conciliation Don Manuel Prieto, with the citizens Antonto and Rodrigo Hinojosa, Antonio Treviño asking that Don Antonio Hinojosa restore unto him a labor, which occupies upon a neutral land which divides the property of the deponent and that of Don Ygnacio Treviño, and that he pay him one-half of the fruits from the said land that he may have made use of, and against Messrs. Rodrigo and Treviño, that they may vacate another piece of labor land which they occupy, which said land is his own property, and they make good unto him the fruits that they may have taken therefrom, having been called to account already to that effect; in reply, Don Rodrigo Hinojosa said that, whereas he is occupying the land through Don Guadalupe Treviño, the son of Don Ygnacio, he could say nothing on that particular; in reply, Don Antonio Treviño said that he being settled there on account of the said Don Guadalupe, as is evident from an extra judicial document which he presented, he believes that said Treviño ought to be called upon, he being but his tenant; in reply the plaintiff said that, whereas the defendants were in possession, he calls on them to vacate said lands, the advocates (hombres brunos) were for the plaintiff, Don Antonio Zavala, and for the defendants, Don Jorge Lopez de Sasa, who having become acquainted with the nature of the suit, invited them to enter into an agreement, which, having failed to cause them to do, Zavala opined that, whereas the acts of survey presented by the plaintiff show that the lands claimed by Don Rodrigo and Don Antonio Treviño belonging to him, they should pay unto the claimant what he demands from them, and disoccupy the lands; and as regards the neutral land, he says that Don Antonio Hinojosa ought to pay for one-half of the fruits asked from him, as both proprietors should enjoy it; he for the second party, said that considering that the parties claimed from are tenants

4° 15′ E. 600 vrs.; S. 2° W. 320 vrs.; S. 10° W. 300 vrs.; south 180 vrs.; S. 21° E. 110 vrs.; S. 41° 45′ E. 260 vrs.; S. 81° 30′ E. 340 vrs.; N. 42° E. 1180 vrs.; S. 80° 30′ E. 530 vrs., to Rancho de Ramirenio; S. 34° 15′ E. 370 vrs.; S. 2° 30′ E. 370 vrs.; S. 21° W. 660 vrs.; S. 42° W. 440 vrs.; S. 11° W. 330 vrs.; N. 85° 45′ E. 230 vrs. to Freeport and Matamoros Ferry; N. 85° E. 460 vrs.; N. 50° E. 130 vrs.; N. 25° 30′ E. 460 vrs.; N. 32° 15′ E. 1220 vrs. to the city of Brownsville; S. 49° 30′ E. 390 vrs. to Fort Brown; S. 16° 30′ E. 480 vrs.; S. 2° E. 500 vrs.; S. 3° 15′ W. 420 vrs.; S. 14° 30′ E. 160 vrs.; S. 53° E. 260 vrs.; N. 57° 45′ E. 570 vrs.; N. 41° E. 1010 vrs.; S. 67° 30′ E. 310 vrs.; S. 51° 15′ E. 480 vrs.; S. 10° 30′ W. 500 vrs. to Rancho de los Tomates; S. 46° 30′ W. 850 vrs.; S. 25° 30′ W. 200 vrs.; S. 50° E. 190 vrs.; east 230 vrs.; N. 41° E. 50 vrs.; N. 74° 145′ E. 08 vrs.; N. 49° 15′ E. 390 vrs.; N. 23° 30′ E. 860 vrs.; N. 57° E. 110 vrs.; N. 30° 30′ E. 470 vrs.; S. 60° 45′ E. 700 vrs. to Rancho de los Falcones; S. 22° E. 240 vrs.; S. 5° E. 270 vrs.; S. 26° 45′ W. 1000 vrs.; S. 18° W. 140 vrs.; S. 27° W. 140 vrs.; S. 5° 15′ W. 510 vrs.; S. 21° 30′ E. 370 vrs.; S. 53° 36′ E. 540 vrs.; N. 75° E. 180 vrs.; north 25 vrs.; N. 19° 30′ W. 386 vrs.; N. 8° E. 1131 vrs.; N. 45° 30′ E. 140 vrs.; N. 88° E. 382 vrs. to Rancho de Santa Rosalia; N. 88° E. 128 vrs.; N. 87° 30′ E. 630 vrs.; S. 10° 45′ E. 300 vrs.; S. 11° 30′ W. 850 vrs.; S. 27° W. 860 vrs.; S. 13° 30′ W. 230 vrs.; S. 2° 45′ W. 80 vrs.; S. 11° 45′ E. 80 vrs.; S. 48° 30′ E. 220 vrs.; N. 60° 30′ E. 160 vrs.; N. 50° 36′ E. 120 vrs.; N. 46° E. 140 vrs.; N. 37° 30′ E. 320 vrs.; N. 58° 30′ E. 120 vrs.; N. 85° E. 430 vrs.; S. 80° E. 170 vrs.; S. 47° E. 240 vrs.; S. 30° E. 130 vrs.; S. 1° E. 60 vrs.; S. 19° E. 190 vrs.; S. 5° W. 110 vrs.; S. 55° W. 70 vrs.; S. 72° W. 30 vrs.; N. 68° W. 30 vrs.; S. 18° W. 150 vrs.; S. 15° W. 226 vrs.; S. 3° W. 280 vrs.; S. 5° E. 280 vrs.; S. 16° E. 340 vrs.; S. 50° E. 540 vrs.; S. 69° E. 920 vrs.; S. 40° W. 1200 vrs.; N. 76° E. 850 vrs.; N. 40° 1200 vrs.; N. 30° E. 140 vrs.; N. 45° E. 210 vrs.; S. 73° E. 570 vrs.; S. 40° E. 160 vrs.; S. 14° E. 980 vrs.; S. 24° 30′ E. 290 vrs.; N. 85° E. 120 vrs.; N. 31° E. 500 vrs.; N. 40° E. 630 vrs.; N. 68° E. 480 vrs.; S. 58° E. 600 vrs.; S. 28° E. 600 vrs.; S. 67° E. 520 vrs.; N. 51° 30′ E. 420 vrs.; N. 69° 30′ E. 260 vrs. to the mouth of a lake or cut-off, upon which are situated the Ranchos Arenal and San Rafael; N. 29° E. 150 vrs.; S. 3° 30′ E. 250 vrs.; S. 35° 30′ W. 440 vrs.; S. 17° 30′ W. 160 vrs.; S. 60° E. 50 vrs.; S. 74° E. 240 vrs.; N. 80° 30′ E. 220 vrs.; N. 73° E. 240 vrs.; N. 54° E. 120 vrs.; N. 65° E. 170 vrs.; N. 66° 45′ E. 160 vrs.; N. 73° E. 90 vrs.; N. 46° 30′ E. 90 vrs.; N. 73° E. 1340 vrs.; N. 60° E. 270 vrs.; N. 9° E. 500 vrs.; N. 65° W. 790 vrs.; N. 40° W. 450 vrs.; N. 14° 30′ E. 650 vrs.; N. 75° E. 450 vrs.; N. 14° 30′ W. 650 vrs.; N. 51° E. 550 vrs.; S. 88° E. 800 vrs.; S. 62° 30′ E. 270 vrs.; S. 30° E. 500 vrs.; S. 20° E. 310 vrs.; S. 50° E. 100 vrs.; S. 86° E. 130 vrs.; N. 45° E. 180

vrs.; N. 6° E. 360 vrs.; N. 12° W. 170 vrs.; N. 66° W. 430 vrs.; N. 63° W. 50 vrs.; N. 59° W. 250 vrs.; N. 45° W. 40 vrs.; N. 20° W. 230 vrs.; N. 30° W. 240 vrs.; N. 68° W. 100 vrs.; N. 65° W. 60 vrs.; N. 45° W. 230 vrs.; N. 27° 30′ W. 750 vrs.; N. 19° E. 750 vrs.; N. 6° 30′ E. 450 vrs.; N. 87° W. 40 vrs.; N. 3° E. 590 vrs.; N. 80° W. 350 vrs.; S. 70° 15′ W. 960 vrs. to Rancho Sabinitos; N. 21° W. 430 vrs.; N. 36° E. 240 vrs.; N. 83° 15′ E. 730 vrs.; N. 78° 30′ E. 180 vrs. to Rancho Saino; S. 63° 15′ E. 50 vrs.; N. 75° 30′ E. 380 vrs.; N. 71° E. 300 vrs.; N. 63° 45′ E. 250 vrs.; N. 46° 30′ E. 130 vrs. to lower or S. E. corner, set stake (in old bed of the Rio Grande); whence a willow marked + bears N. 27° E. 75 vrs.; also a willow marked P N. 73° E. 73 vrs.; thence up with the meanders of the centre or middle of the old bed of the Rio Grande aforesaid, N. 73° 15′ W. 980 vrs.; N. 84° 30′ W. 220 vrs.; S. 89° 30′ W. 160 vrs.; N. 75° W. 100 vrs.; N. 52° W. 190 vrs.; N. 52° 15′ W. 410 vrs.; N. 34° W. 420 vrs.; N. 25° 45′ W. 316 vrs, to intersection of east boundary; N. 9° E. 75 vrs., with said boundary, to north bank of lake or old river aforesaid, set stake for S. E. corner, whence a mesquite marked + bears N. 80° E. 190 vrs.; also a retama marked + bears N. 81° E. 190 vrs. This corner stands 190 vrs. west of a slough or derrame, which is believed to be the S. E. corner of this grant as per the titles of this grant; thence N. 9° E. with the east boundary of this survey, at 1000 varas entered prairie at 1627 vrs., passed a large ebony post set by the authorities of the State of Tamaulipas in the survey of the grant known as the "San Martin," said post is situated 300 vrs. or 6 cordelades east of the tanque," supposed to be the same called for by titles of the Espiritu Santo," as a point on this boundary—11,480 vrs. to a salt laguna S. E. 640 vrs. wide; 14,100 vrs. to a salt laguna S. E. 530 varas wide; 21,690 varas to a salt laguna S. E. 750 varas wide; 23,510 varas to a road leading from Brownsville to Point Isabel; at 32,656 varas passed a point 6210 varas magt. east from the rancho San Juan del Retiro, mentioned in the original survey of this line; 41,290 varas to a salt laguna, known as Redamedora de los Bankitos, 2240 varas wide east and west; 47,657 varas to a bolsa or pocket of the laguna Madre; set large ebony post for the N E.. corner of this survey in prairie, said post being marked +++; thence up with the meanders of the laguna Madre west 941 vrs.; S. 71° 30′ W. 2720 vrs.; N. 8° 30′ W. 480 vrs.; N. 8° 30′ E. 1300 vrs.; N. 12° 30′ W. 440 vrs.; N. 32° 15′ W. 820 vrs.; N. 9° 30′ W. 890 vrs.; N. 1° W. 360 vrs.; N. 3° E. 650 vrs.; N. 11° 45′ W. 1590 vrs.; N. 46° E. 2300 vrs.; N. 2° 45′ E. 1130 vrs.; N. 13° 15′ E. 1140 vrs.; N. 4° 45′ W. 120 vrs.; N. 30° 30′ W. 70 vrs.; N. 72° 45′ W. 1970 vrs., cross the mouth of a laguna; N. 6° E. 500 vrs.; N. 22° 30′ E. 290 vrs.; N. 10° W. 140 vrs.; S. 46° 15′ W. 580 vrs.; S. 31° 15′ W. 810 vrs.; S. 83° 45′ W. 370 vrs.; S. 40° 30′ W. 410 vrs.; S. 57° 45′ W. 1050 vrs.; S. 46° 15′ W. 320 vrs.; N.

68° W. 990 vrs.; N. 17° 30′ W. 2360 vrs., cross mouth of a laguna; N. 28° 45′ E. 940 vrs.; 79° E. 750 vrs.; N. 78° E. 260 vrs.; N. 29° E. 90 vrs.; N. *N.* 28° E. 260 vrs.; N. 2° E. 200 vrs.; N. 51° W. 550 vrs.; S. 85° W. 140 vrs.; N. 12° 30′ E. 530 vrs.; N. 43° E. 630 vrs.; N. 5° 15′ E. 470 vrs.; N. 50° W. 450 vrs.; S. 59° W. 230 vrs.; N. 9° 30 W. 11,140 vrs.; N. 27° 15′ W. 510 vrs.; N. 33° 30′ W. 240 vrs.; N. 60° W. 180 vrs., to the mouth of the Arroyo Colorado; thence up with the meanders of the right bank of said Arroyo S. 86° 45′ W. 270 vrs.; S. 76° 30′ W. 700 vrs.; S. 51° 30′ W. 490 vrs.; S. 47° W. 400 vrs; S. 18° 30′ E. 330 (330) vrs.; S. 41° W. 120 vrs.; S. 37° W. 260 vrs.; S. 21° 45′ W. 500 vrs; S. 11° 30′ W. 1140 vrs.; S. 4° 30′ E. 220 vrs., to mouth of a laguna; S. 50° W. 830 vrs.; S. 37° 15′ W. 980 vrs.; N. 78° 30′ W. 210 vrs., to Paso de las Tuvernas or lower crossing; S. 47° 30′ W. 1350 vrs; S. 48° 30′ W. 590 vrs.; S. 84° 45′ W. 700 vrs.; S. 34° 15′ W. 530 vrs.; S. 1° 15′ W. 860 vrs.; S. 15° 30′ W. 500 vrs.; S. 12° 15′ W. 1490 vrs.; S. 32° W. 550 vrs.; S. 38° 30′ W. 800 vrs.; S. 14° W. 290 vrs.; S. 38° 15′ W. 240 vrs.; S. 75° 30′ W. 410 vrs.; N. 73° W. 720 vrs.; N. 13° 15′ W. 530 vrs.; N. 53° W. 410 vrs.; S. 87° 45′ W. 550 vrs.; N. 18° W. 390 vrs.; N. 14° 15′ E. 590 vrs.; N. 25° W. 280 vrs.; N. 14° 15′ W. 400 vrs.; S. 71° 30′ W. 390 vrs.; S. 67° 45′ W. 240 vrs.; S. 50° W. 130 vrs.; S. 10° W. 180 vrs.; S. 50° 15′ E. 600 vrs.; S. 29° E. 540 vrs.; south 290 vrs.; S. 64° 30′ W. 200 vrs.; N. 47° 30′ W. 1160 vrs.; N. 76° 30′ W. 870 vrs., to timber; S. 84° W. 1100 vrs.; S. 67° 45′ W. 1110 vrs.; N. 80° W. 210 vrs.; N. 77° W. 260 vrs.; S. 52° 15′ W. 130 vrs.; S. 13° W. 190 vrs.; S. 38° E. 390 vrs.; S. 51° E. 230 vrs.; S. 12° E. 690 vrs.; S. 47° E. 460 vrs.; S. 3° 15′ W. 300 vrs.; S. 35° 30′ W. 560 vrs.; S. 46° 15′ W. 230 vrs.; S. 71° 30′ W. 330 vrs.; N. 79° 15′ W. 430 vrs.; N. 49° W. 300 vrs.; N. 21° 45′ E. 170 vrs.; N. 76° E. 220 vrs.; N. 89° E. 340 vrs.; N. 54° E. 260 vrs.; N. 21° E. 160 vrs.; N. 8° 45′ W. 300 vrs.; N. 46° W. 470 vrs.; N. 52° 30′ W. 630 vrs.; N. 74° W. 260 vrs.; S. 75° 15′ W. 560 vrs.; S. 52° W. 430 vrs. to Paso Real or Taylor's crossing; S. 33° W. 330 vrs.; S. 22° W. 660 vrs.; S. 1° 30′ E. 480 vrs.; S. 5° 30′ E. 900 vrs.; S. 2° 45′ E. 470 vrs.; S. 22° 15′ W. 450 vrs.; S. 35° 30′ W. 150 vrs.; S. 50° W. 90 vrs.; S. 69° W. 150 vrs.; S. 78° W. 1110 vrs.; S. 11° 15′ E. 89 vrs.; S. 69° 30′ W. 250 vrs.; S. 69° W. 320 vrs.; S. 58° 15′ W. 320 vrs.; S. 46° 45′ W. 620 vrs.; S. 29° 45′ W. 1120 vrs.; S. 52° W. 230 vrs.; west 127 vrs. to the N. W. corner of this grant, being the N. E. corner of a grant known as Concepcion de Carecitos set stake, whence an ebony marked + bears S. 54° 45′ W. 16 vrs.; also an ebony marked + bears S. 5° W. 20 vrs.; thence S. 9° W. with the west boundary of this survey, being the east boundary of the survey aforesaid, 11,610 vrs. to a resaca 50 vrs. wide; N. E. and S. W. 28,000 vrs. to a resaca 50 vrs. wide; 32,740 (141) varas to Resaca de las Ajuntes 90 vrs. wide, east and west; 33,930 vrs. to la Puerta; at 36,600 vrs. passed the Brownsville

and Rio Grande City Road; at 37,620 vrs. passed the rancho de San Vicente, 38,140 varas to the place of beginning.

GEORGE LYON,
Deputy Surveyor for the District of Cameron.

JUAQUIN ALCALAN,
ANTONIO ALCALAN,
Chain-carriers.

I, George Lyon, Deputy Surveyor for the District of Cameron, do solemnly swear, under my official oath, that the survey designated in the foregoing plot and field notes, was made by me during the months of January, February, March, April, and May, A. D. 1854; and that the lines, boundaries, and corners of the same, together with all marks, natural and artificial, are truly described therein. Witness my hand, this the 15th day of July, A. D. 1854.

GEORGE LYON, Deputy Surveyor.

I, David Peabody, District Surveyor for the County of Cameron, do hereby certify that I have examined the foregoing plot and field notes and find them correct, and that they are recorded in my office, in Book A, pages 16, 17, 18, 19, 20, and 21. Given under my hand, at Brownsville, this 15th day of February, 1855.

DAVID PEABODY,
District Surveyor for the District of Cameron.

[B. T. Proved by Blucher.]

Field Notes of San Martin.

State of Texas, District of Cameron.

Survey for the heirs of Don Guadalupe Treviño, deceased; for the heirs of D'a Maria Encarncion Treviño, deceased; for the heirs of D'n Ygnacio Treviño, deceased; for the heirs of D'n Marinao Treviño, deceased; and for Doña Dionicio Treviño and Don Manuel Treviño, of (6) six square leagues or sitios, and nine millions six hundred and fifty-four thousand six hundred and forty-nine (9,654,649) square varas of land, situated on the left bank of the Rio Grande, including its mouth, in the county of Cameron, about eight miles below the city of Brownsville, being the land to which they are entitled by virtue of a grant known as the Potrero de San Martin, granted to Jose Ygnacio Treviño by the State of Tamaulipas, Mexico, A. D. 1828, and confirmed by an act of the legislature of the State of Texas, entitled, An act to relinquish the right of the State to certain lands therein named; passed February 10, 1852.

Beginning at a large mesquite tree (184,500) varas; S. 28° E. from the S. E. corner of McKinney's and Williams' large survey on the los Olmes creek, said mesquite tree was marked with a cross (+) in the original survey of this grant as the S. W. corner, and stands on the bank of a lake which was originally the Rio Grande; thence

S. 3° 8′ E. 75 varas, to the centre of said lake or old bed of the Rio Grande; thence with the meanders of the centre of said lake or old bed of the river S. 80° 15′ W. 340 varas; S. 25° 45′ E. 316 varas; S. 34° E. 420 varas; S. 52° 15′ E. 410 varas; S. 52° E. 190 varas; S. 75° E. 100 varas; N. 89° 30′ E. 160 varas; S. 84° 30′ E. 220 varas; S. 73° 15′ E. 980 varas, to the junction of said centre of the lake, with the left bank of the Rio Grande set stake for the upper or S. W. corner of this grant (being the lower or S. E. corner of a grant known as the Espiritu Santo, granted to Don Salvador de la Garza) whence a willow marked with a +, bears N. 74° E. 75 varas, also a willow marked +, bears N. 73° E. 73 varas; thence down with the meanders of the left bank of the Rio Grande for the south boundary of this survey, N. 40° W. 2147 varas, to Rancho del Naranjo; N. 49° 45′ E. 575 varas; N. 66° E. 755 varas, to the Rancho de los Sauces; N. 34° 45′ E. 900 varas; N. 31° 45′ E. 700 varas; N. 70° 15′ E. 1390 varas; S. 5° E. 1148 varas; N. 46° 30′ E. 400 varas, to the Rancho San Martin E. 2020 varas, at 1040 varas, crossed the mouth of a bizou, 30 varas wide; N. 15° 15′ E. 190 varas; N. 55° 45′ E. 1460 varas: N. 63° 30′ E. 450 varas; N. 58° 30′ E. 200 varas; N. 31° 13′ E. 350 varas; N. 35° E. 480 varas, to a point in front of Rancho Lomita; S. 63° E. 810 varas; S. 65° E. 510 varas; N. 73° 45′ E. 770 varas; S. 51° E. 370 varas; N. 42° 30′ E. 410 varas; N. 13° 30′ E. 300; N. 23° 30′ W. 860 varas; N. 35° 30′ W. 230 varas; N. 7° 30′ E. 230 varas; N. 19° 30′ E. 280 varas; N. 23° 30′ E. 270 varas; N. 86° 30′ E. 1060 varas; N. 77° 30′ E. 750 varas; S. 83° 45′ E. 1410 varas, to a point in front or opposite the village of Burrita; S. 81° 30′ E. 1640 varas; N. 34° E. 810 varas; N. 80° 30′ E. 1450 varas; N. 74° 45′ E. 1530 varas; N. 80° 15′ E. 900 varas; N. 61° E. 1580 varas; S. 69° 45′ E. 300 varas; S. 18° 30′ E. 660 varas; N. 61° 30′ E. 770 varas; S. 67° 15′ E. 1230 varas; N. 46° 45′ E. 700 varas; S. 74° 30′ E. 440 varas; S. 35° 30′ E. 1010 varas; S. 88° 15′ E. 680 varas, to the village known as the mouth of the River, 581° 30′ E. 950 varas, through said village to the mouth of the Rio Grande, thence with the meanders of the Gulf of Mexico for the east boundary of this survey, N. 10° 30′ E. 360 varas; N. 20° 45′ W. 880 varas; N. 10° 30′ W. 1220 varas; N. 6° 45′ W. 1060 varas; N. 5° 36′ W. 1070 varas; N. 8° 15′ W. 670 varas; N. 24° 15′ W. 320 varas; N. 58° 15′ W. 300 varas, to the boca chica, 332 varas wide, thence with meanders of the Laguna Madre, for the N. E. boundary of this grant; S. 88° 30′ W. 2100 varas; S. 68° 30′ W. 3820 varas; S. 74° 15′ W. 8800 varas; S. 55° W. 3000 varas; N. 36° 45′ W. 3380 varas; N. 73° W. 3650 varas; N. 28° 30′ W. 2415 varas; N. 34° 45′ E. 5820 varas, to a large ebony post set in the original survey of this grant as the N. E. corner and the S. E. corner of the grant known as the Potrero of Santa Isabel; thence S. 87° 45′ with the north boundary of this survey, being the south boundary of the aforesaid Santa Isabel grant, 6182 varas to a rock

and large ebony post set as the N. W. corner of this grant, being S. W. corner of the aforesaid Santa Isabel grant, as also a point on the east boundary of the Espiritu Sant grant; thence S. 1° 24′ E. with the west boundary of this survey, being east boundary of the aforesaid Espiritu Santo grant, 4247 varas, to a laguna, 4647 varas, cross the same, 4747 varas, to a laguna, 6127 varas, cross the same, 15,027 varas, to a large ebony post situated 300 varas east of a pond known as the Tanque; said post having been set in the original survey of this grant A. D. 1828, in conformity to the calls of the titles of the adjoining grant, known as the Espiritu Santo, granted to Don Salvador de la Garza, A. D. 1781; thence S. 3° 8′ E. 602 varas, entire timber land, 1552 varas, to the place of beginning.

JOUQUIN ALCALAN,
ANTONIO ALCALAN,
Chain Bearers.

Signed GEORGE LYON,
Deputy Surveyor.

Surveyed in the month of February, 1855.

I, George Lyon, deputy surveyor of the District of Cameron, do hereby certify that the foregoing survey was made according to law, and that the lines, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plot and field notes.

Signed, GEORGE LYON,
Deputy Surveyor of the District of Cameron.

And the said defendants offered to read several of the acts of the legislator of the State of Texas, entitled "An act to relinquish the right of the State to certain land therein named," passed February 10, 1852, for which reference can be made to the printed statutes, as relates to the tract called "San Martin," but the plaintiff objected to reading said act in part and not as a whole, which objection was overruled by the court, and only so much of said act was read as related to said tract called San Martin, to which reading the plaintiffs excepted.

And here the said defendants closed their testimony.

And thereupon the said plaintiff, as rebutting evidence, read a copy, from the books of the surveyor's office of Cameron County, of the application for a survey made by the plaintiff and Estefana Goseascochea de Cortina and Feliceana de Tijerina, which was as follows:—

(Application to George Lyon to survey the Espiritu Santo.)

To the Surveyor of the Land District of Cameron:

The undersigned, owners of portions of the tract of land known as the Agostadero del Espiritu Santo, granted in the year 1781 to

Jose Salvador de la Garza, and now situated in the county of Cameron, the title whereto has been confined to the State of Texas, now in accordance with the provisions of an act of the State aforesaid, passed February 11, 1850, and entitled an act for the relief of bona fida claimants to land, entitled to benefits of an act entitled, &c., and of another act of the said State, passed February 10, 1852, and entitled an act to relinquish the right of the State to certain lands therein named, apply to you as surveyor of the County Land District of Cameron, to cause a survey of the said tract to be made by your deputy, George Lyon, to recieve, examine and record the field notes thereof when returned, to plot the same upon the county map, and to deliver to us the field notes, with your certificate and the plot, to be forwarded to the General Land Office; and in order to avoid present embarrassment and delay, but without waiving any of our legal rights, we consent that, for the purposes of this survey only, the lower or eastern boundary be assumed to be the line run by the surveyor in 1779, from a point near the tanque to Laguna Madre, and that it be run in all respects according to the description of the said line in the testimonie of title, issued to the grantee in 1781; but we expressly reserve all our legal rights or claim or title to the lands lying eastward of said line to the laguna and gulf, to be determined by suit or otherwise.

Signed, MARIA JOSEFA CABASOS,
ESTEFANA GOCEASCOCHEA,

By their attorney in fact,

JUAN TREANOR.

Filed November 28, 1853.

FELICIANA GOENCOCHEE DE TIJERINA,

By her attorney in fact,

BASSE AND HORD.

And the said plaintiff also gave in evidence a duly certified copy from the General Land office of the same field notes as those introduced by the defendants to show a survey of the Espiritu Santo, which field notes are not herein repeated, and also a copy of a letter from William G. Hale, accompanying said field notes, which is as follows:—

To the Commissioner of the Grand Land Office of the State of Texas.

Sir,—In sending to you to be filed, in pursuance of an act of the Legislature of the State of Texas, entitled, An act to relinquish the right of the State to certain lands therein named, approved Feb. 11th, 1852, the field notes of a survey of the land supposed by the county surveyor of Cameron County to be the fifty-nine and a half leagues of land called El Espiritu Santo, and designated in said act as the 2 in the county of Cameron. I do not, nor do the parties whom I represent, intend to imply that the original print made by

the authorities of the King of Spain to Jose Salvador de la Garza, and known as "El Espiritu Santo," was or is limited by its proper boundaries to the line of this survey, as represented in these field notes, but we still expressly claim and assert that the said grant included also all the land lying below or east of the eastern boundary line stated in the field notes to the Laguna Madre and Gulf of Mexico, which has sometimes been claimed as included in the lands known or called occasionally San Martin, San Isabel, and Buena Vista. The fact of the extension of the Espiritu Santo grant to the laguna and gulf, and the legal rights of the parties claiming this territory between the eastern boundary line stated in these field notes and the laguna and gulf are still in litigation, and while we are willing that a patent should issue for the land included within the lines stated in the field notes, we must be understood as not relinquishing in any manner our claim to the residue. And we therefore warn and notify you to issue patents to the claimants of the so-called San Martin, Santa Isabel, and Buena Vista grants.

Galveston, May, 1858.

With great respect, your obdt. ser.

WILLIAM G. HALE,

Att'y and Agent of and representing Maria Josefa Cavasos, Estefana Goseascochua Cortina.

General Land Office, Austin, May 14th, 1856.

I, Stephen Crosby, commissioner of the General Land Office of the State of Texas, do hereby certify that the foregoing is a true copy of the original on file in this office.

In testimony whereof I hereto set my hand and affix the seal of said office the day and date last above written.

[SEAL.] S. CROSBY, Com'r.

And the plaintiff also offered as rebutting evidence, the documents mentioned and set forth in her third and fourth bill of exceptions, but they were not received as testimony in the cause. And then the plaintiff closed her evidence.

And thereupon, upon said testimony, the court instructed the jury as follows, to wit.

The line run from the derame to the bolsa, and the line along the margin of the lagunes of the sea are the two lines contended for by the respective parties, as the true eastern line of the Espiritu Santo grant, and the jury must decide from the evidence in the cause which is the true eastern line. The true line is the line along the lagunas of the sea. If, therefore, the line running from the derame to the bolsa or pocket in the Arroyo Colorado be the linea de las lagunas del mer, that is the true eastern line. In other words, if the line run by the surveyor between the two points above indicated be a line running along the lagunes of the sea, where the land and water meet, then it is the true eastern boundary of the Espiritu Santo tract; if it does not—if it is not in that, but some other place—then

it is not the true boundary. This is a question of fact for the jury. In settling this question, the jury are at liberty to consider, and it is their duty to consider, the acts of the parties to the Espiritu Santo grant, as well as those of an adjoining grant, and to every fact and circumstance in the testimony which has a bearing upon the point in controversy, and if it appears from the evidence that those claiming under the Espiritu Santo grant never had possession of the land lying east of the line running from the derrame near the tanque north to the bolsa upon the Arroyo Colorado, nor set up any claim to it until a comparatively short period, or if the said line was treated by such parties and acquiesced in as the true line, until within a comparatively recent period of time, this will be testimony to be taken into the consideration of the jury in determining the true line. I think the boundaries are fixed, irrespective of the survey; they are defined as above described, and the only difficulty in settling the boundary is in fixing the locality of the eastern line. I have instructed the jury as to what it is, it is for them to determine where it is.

To all of which charge (except so much as instructed the jury that, if the line run by the surveyor was a line running along the laguna of the sea, where the land and water meet, then it was the true boundary of the Espiritu Santo grant) the plaintiff, by her counsel, at the time and before the jury retired, excepted.

And, thereupon, the court, at the request of the counsel for the defendants, Treviño and Cobb, further instructed the jury as follows:—

1. That the Espiritu Santo grant itself shows that a corner was established at the end of a line running from the beginning corner, five hundred and eighty-four cordeles to the derrame or slough in the river from whence a line was run north by the tanque mentioned in the grant to a pocket or small potrero on the Laguna Madre where another corner was established, and this is to be considered the eastern boundary, unless, by the evidence, some other line is established.

2. That if Ignacio Treviño, and those claiming under him, had and held adverse possession of the land up to the line run for the western boundary of the San Martin grant from the time of the making of the grant to the commencement of this action, for a period of ten years or more, in good faith, under a just title, then the jury should find for the defendants.

And the said defendants withdrawing and not insisting on their plea of prescription and limitation, desired the court to instruct the jury, and the court did so instruct the jury as follows:—

3. That if Treviño, and those claiming under him, had and held adverse possession of the land in contest for twenty years and more before the commencement of this suit, then the jury are authorized to presume a good and valid grant giving title to the land claimed.

If the jury find, from the evidence, that there never was any

contest, before the commencement of this suit, between the owners of the Espiritu Santo grant and Ignacio Treviño, except one as to boundary, being a dispute as to whether the true line was that run in 1781 or that, of 1828, run for the western boundary of the San Martin grant and that Treviño and those claiming under him had possession up to the time of 1828, adversely to those claiming the adjoining lands in the Espiritu Santo grant up to the commencement of this suit, the jury may presume that the land embraced by the line of 1828 belongs to the San Martin grant.

To which instructions the said plaintiff, by her counsel, at the time and before the jury retired, excepted; and thereupon the court was requested by the said plaintiff to give the jury the following instruction, to wit:—

"That if, under the instructions of the court, and by the evidence the jury find that the grant of the Espiritu Santo included the land in controversy, then no adverse possession of the land in controversy subsequent to the making of said Espiritu Santo grant, can raise or authorize the pre-emption of another grant adverse to the Espiritu Santo grant—which instruction the court refused to give to the jury, to which refusal the said plaintiff excepted.

And thereupon the counsel for the plaintiff requested the court to instruct the jury as follows:—

"That a person in possession of any undivided part of a tract of land, claiming an interest in the whole, under a paramount title, is in possession of the whole, and cannot be affected by an adverse possession of a part of said tract claimed and held by another person under an inferior title or without title; for where two parties are in adverse possession of the same land, the person having the better title has the better right, and his adversary cannot obtain any protection under the statutes of limitation or by prescription; which instruction was given by the court, but the defendants, Treviño and Cobb, by their counsel, requested the following instruction in modification of the foregoing one, to wit:—

That if Trevino and those claiming under him had exclusive possession for twenty years or more east of the western boundary of the grant of said Treviño, then a grant may be presumed to him, though the Espiritu Santo grant is the elder grant, and there has been a possession thereof west of that line; which instruction was given by the court to the jury; to which the said plaintiff, by her counsel, at the time, and before the jury retired, excepted, and now she tenders this, her fifth bill of exceptions, which she prays may be allowed, signed, sealed, and made part of the record of this cause, and the same is now done accordingly.

JOHN C. WATROUS, [SEAL.]
U. S. Dist. Judge E. Dist. Texas.

6th Bill of Exceptions.—Filed April 15th, 1859. *F. J. Parker, Clerk.*

District Court of the United States,
Eastern District of Texas, at Brownsville.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

Be it remembered, that after the trial of this cause, and after the verdict therein had been rendered, the said plaintiff moved the court to render judgment *non obstante veredicto* for so much of the land sued for as lay to the eastward of the line described in said verdict; but the court, after argument, overruled, and refused the said motion, to which ruling and refusal the counsel of the plaintiff, at the time, and before the jury retired, excepted, and now tender this their sixth bill of exceptions, which they pray may be allowed, signed, sealed, and made part of the record of this cause, and the same is done accordingly.

JOHN C. WATROUS, [SEAL.]
U. S. Dist. Judge E. Dist. Texas.

And afterwards, to wit, on the eighteenth day of April, in the year of our Lord eighteen hundred and fifty-nine, the court here made the following order, to wit:—

Order.

MARIA JOSEFA CAVAZOS
vs.
WILLIAM EVANS et als.

This day came the parties aforesaid, by their attorneys, and thereupon came the jury impanelled on a former day of this term, and who were respited from day to day, to wit, from the twenty-eighth day of March last up to this time, and the cause having been submitted on the pleadings, proofs, arguments of counsel and charge of the court, the said jury rendered the following verdict, to wit: "We, the jury, find that the eastern boundary line of the Espiritu Santo grant of 1781 is a line commencing at the mouth of derrame of the tanque on the Rio Grande, and thence running north to the pocket described in said grant, and, therefore, we find for the defendants. EDWARD BASS MOSELY, Foreman.

And afterwards, to wit, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, the said plaintiff, by her attorney, filed her motion for a new trial herein in the words and figures following, to wit:—

District Court of the United States,
E. District of Texas, at Brownsville.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the plaintiff by her attorney, after the rendition of the verdict in this cause, and moves the court to set aside said verdict and grant her a new trial of said cause, for the following reasons:—

First. Because said verdict is contrary to the instructions of the court.

Second. Because said verdict is contrary to the evidence.

Third. Because said verdict is inconsistent and repugnant to itself, and with the pleadings and evidence.

Fourth. Because the court erred in admitting testimony, as shown by the plaintiff's exceptions.

Fifth. Because the court erred in excluding testimony, as shown by the plaintiff's exceptions.

Sixth. Because the court erred in giving instructions to the jury, requested by the defendants.

And for other reasons, to be shown on the argument of this motive. ALLEN & HALE, Atty's for Pltf.

And afterwards, to wit, on the nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, the plaintiff, by her attorneys, filed her motion herein for a judgment *non obstante veredicto* in the words and figures following, to wit:—

District Court of the United States,
E. District of Texas.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

And now comes the plaintiff by her attorneys, and moves the Court to render judgment, non obstante veredicto, for so much of the land sued for as lies to the eastward of the line described in the verdict of the jury, reserving her objections to the verdict.

ALLEN & HALE, Atty's for Pltf.

And afterwards, to wit, on the nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, the court here rendered the following judgment, in words and figures following, to wit:—

Judgment.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

This day came the plaintiff, by her attorneys, and the defendants,

Manuel Treviño and Ebin Cobb, by their attorneys, and the motion for a new trial in this cause having been argued, and considered by the court, it is now ordered by the court that the same be overruled; and the motion of said plaintiff for a judgment *non obstante veredicto*, having been argued, and concluded by the court, it is ordered by the court that the same be overruled, to which the plaintiff excepted and the court now proceeding to render final judgment, and it appearing that at a former time a judgment by default was taken in this cause against several of the defendants, and the following, to wit, William Evans, Piere Durant, Andres Phillipan, Richard Jourdan, Pedro Ortiz, Domingo Castillo, Pancho Zamora, James Penn, George Pomeroy, Augustus Rositer, Angelo Carresa, Robert Kingsbury, and Manuel del Barco, though solemnly called, came not but made default, it is therefor considered by the court, that the said plaintiff, Maria Josefa Cavasos, recover of and from the said above named defendants, the land in her petition described, and her damages to be assessed by the jury and cost of this suit and the plaintiff remitting the said damages, it is considered by the court that a writ of possession issue to the marshal of this district, commanding him to cause her to have her possession of said land, and also a writ of execution for her costs; and as to the defendants, Manuel Treviño and Eben Cobb, who have pleaded to issue the court new proceedings to render judgment upon the verdict of the jury, it is considered by the court that the plaintiff take nothing by her suit as to the said defendants, Treviño and Cobb, and that they go hence without day, and recover against the said plaintiff their costs in and about this suit expended, for which execution may issue.

And afterwards, to wit, on the twenty-second day of April, in the year of our Lord one thousand eight hundred and fifty-nine, the plaintiff appeared and executed her bond for writ of error, in the words and figures following, to wit:—

United States of America, Eastern District of Texas.

Know all men by these presents, that we, Maria Josefa Cavasos, as principal, and John Treanor, and Miguel Garcia Cavasos, as sureties, are held and firmly bond unto Manuel Treviño and Eben Cobb, in the full and just sum of one thousand dollars, to be paid to the said Treviño and Cobb, or either of them or their certain attorney, executors, administrators, heirs or assigns; for the faithful payment whereof we bind ourselves, our heirs, executors, and administrators jointly and severally, by these presents, sealed with our seal, and dated this twenty-second day of April, in the year of our Lord one thousand eight hundred and fifty-nine.

Whereas, lately at a term of the District Court of the United States for the Eastern District of Texas, sitting at Brownsville, begun and holden on the first Monday in March, in the year of our Lord one thousand eight hundred and fifty-nine, in a suit depending in said court, and originally brought by Rafael Garcia Cavasos, and

Maria Josefa Cavasos, his wife, against William Evans, Antonia Blannerhasset, S. E. Langdon, Arthur Bell, Pierre Durant, J. H. Schaffer, William Neal, J. R. McFaddin, Andres Philippan, James Mallet, Richard Jourdon, Desiderio Gonsales, Jose Maria Serdo or Cardo, Torrivio Bustamente, Ladario Treviño, Antonio Leal or Liare, Pedro Ostis, Henrique Cedio, Domingo Castillo, Jose Udasilla, Leandro Bressiño, Leandro Grisamo, John Dwyer, Jose de la Rosa, Maria Rodrigues, Alvino Lopez, Nasario Delgadillo, Pancho Zamora, Antonio Garza, James Peen, William Clark, Eben Cobb, Elkin Moses, James Selkirk, George Pomeroy, Agustin Rosister, David Williamson, John White, Angelo Conesa, Robert Kingsbury, Mifflin Kennedy, Richard King, James O'Donnel, Manuel del Barco, Santiago Dia Nueva, Manuel Treviño, and Juan Manuel Schevale, as defendants, a judgment was rendered against the said Maria Josefa Cavazos, as surviving plaintiff, and in favor of said Manuel Treviño and Eben Cobb, as defendants, as appears by the final judgment in said suit; and the said Maria Josefa Cavasos having applied for and obtained a writ of error in said suit to the Supreme Court of the United States, at its next term, to reverse the said judgment as to the said defendants, and having also obtained a citation to the said Treviño and Cobb, citing and admonishing them to be and appear at the said Supreme Court, at the next term thereof, to be held at Washington, on the first Monday of December next.

Now the condition of the above obligation is such that of the said Maria Josefa Cavasos shall prosecute her said writ of error with effect, and answer all damages and loses if she fails to make her plea good, then the above obligation to be void, otherwise to remain in full force and virtue. MARIA JOSEFA CAVASOS,
by her Att'y in fact,

JOHN TREANOR, [SEAL.]
JOHN TREANOR, [SEAL.]
M. GARCIA CAVASOS, [SEAL.]

Witness—F. J. PARKER.
Approved—JOHN C. WATROUS.

And afterwards, to wit, on the same day and year, the said plaintiff sued out a writ of error, of which the following copy was filed in the clerk's office of this court, to wit:—

The United States of America, to wit:

The President of the United States of America, to the Honorable John C. Watrous, Judge of the District Court of the United States for the Eastern District of Texas, sitting at Brownsville, greeting:—

Whereas, in a certain suit lately depending in our District Court of the United States for the Eastern District of Texas, at Brownsville, in said district, before you, wherein Maria Josefa Cavasos was

plaintiff, and William Evans, Antonia Blanerhasset, S. E. Langdon, Arthur Bell, Piere Durant, J. H. Schaffer, William Neal, J. R. McFadin, Andres, Phillipan, James Mallet, Richard Jourdan, Desiderio Gonzales, Jose Maria Cordo or Cardo, Lorivio Bustamente, Lardario Fermin, Antonio Leal or Liare, Pedro Ortiz, Henrique Cedio, Domingo Castillo, Jose Udasilla, Leandro Bussene, Leandro Grisano, John Dz. Dwyn, Jose de la Bose, Maria Rodrigues, Alvino Lopez, Nasaro Delgadillo, Pancho Zamora, Antonio Garza, James Penn, William Clark, Eben Cob, Elkin Moses, James Selkirk, George Pomeroy, Augustus Rossiter, David Williamson, John White, Angelo Canissa, Robert Kingsbury, Miflin Kenedy, Richard King, James O'Daniel, Manuel del Barco, Santiago Dia Nueva, Manuel Treviño, and Juan Manuel Schevale, were original defendants, at a term of said court, held at Brownsville aforesaid, on the first Monday of March, in the year of our Lord one thousand eight hundred and fifty-nine, judgment was rendered against the said plaintiff, and in favor of Manuel Treviño and Eben Cobb, two of said defendants, wherein, and in the record and proceedings in the said suit, manifest error hath occurred, to the great damage of said Maria Josefa Cavasos, as by her complaint appears, and we being willing that such error, if ány hath been, may be speedily corrected and speedy justice be done between the said parties in that behalf, you are therefore commanded that you cause a complete transcript of the record and proceedings in said cause or suit to be made and certified under the seal of your court, to our said Superior Court of the United States, at its next term, to be held at the city of Washington, on the first Monday of December, in the year of our Lord one thousand eight hundred and fifty-nine, at which place and time the said Manuel Treviño and Eben Cobb shall be cited to appear to plead to this writ; and until the determination of our said Supreme Court thereon, you will cause execution on said judgment to be suspended and superseded.

Witness the honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, and the seal of the said District Court, at Brownsville, on this the 22d day of April, in [L. S.] the year of our Lord one thousand eight hundred and fifty-nine.

F. J. PARKER, Clerk.

Allowed by

JOHN C. WATROUS,
U. S. Dist. Judge E. Dist. Texas.

District Court of the United States,
Eastern District of Texas, at Brownsville.

I, F. J. Parker, clerk of the aforesaid court, do hereby certify the foregoing to be a true copy of the original writ of error.

Witnessing my hand and the seal of said court this 22d day of [L. S.] April, A. D. 1859.

F. J. PARKER, Clerk.

And afterwards, to wit, on the same day and year, the said parties, by their attorneys, filed the following agreement, to wit:—

District Court of the United States,
Eastern District of Texas.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

It is agreed, by counsel, that the clerk, in making up the transcript for the Supreme Court, in this case, must insert only the pleadings so far as they relate to the controversy between the plaintiff and the defendants, Cobb and Treviño—the order and judgment of the court, and the bills of exception, with the documents made part thereof, the bond for writ of error, and copy of said writ.

ALLEN & HALE,
Att'ys for plaintiff.

ROBERT HUGHS,
For defendants, Cobb & Treviño.

And afterwards, to wit, on the 26th day of April, in the year one thousand eight hundred and fifty-nine, the court here made the following order, which is as follows, to wit:—

Order.

MARIA JOSEFA CAVASOS
vs.
WILLIAM EVANS et als.

This day came the parties, by their attorneys and the plaintiff, presented six bills of exceptions showing the several exceptions which had been taken during the trial of this cause, and, by permission of the court, reduced to writing afterwards; and the said bills of exception are now therefore allowed, signed, sealed, and made a part of the record of the cause; and it is ordered that said bills be filed as of the 15th day of April, 1859.

United States of America,
Eastern District of Texas.

District Court of the United States,
Eastern District of Texas.

I, F. J. Parker, Clerk of the District Court of the United States for the Eastern District of Texas, at Brownsville, certify the foregoing six hundred and sixteen pages to be a true and perfect transcript of the record and all the proceedings had in case at law, Number 27, wherein Maria Josefa Cavasos is plaintiff, and William Evans and others are defendants, which, under the agreement filed herein, are required to be inserted in this transcript.

In testimony whereof, I hereunto set my hand and the seal of the

said court, at the city of Brownsville, this 22d day of June, in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and the eighty-second year of the Independence of the United States of America.

F. J. PARKER, Clerk.

The United States of America, to wit:

The President of the United States of America, to the Honorable John C. Watrous, Judge of the District Court of the United States for the Eastern District of Texas, sitting at Brownsville, greeting:—

Whereas, in a certain suit lately depending in our District Court of the United States for the Eastern District of Texas, at Brownsville, in said district, before you, wherein Maria Josefa Cavazos was plaintiff, and William Evans, Antonia Blannerhasset, S. E. Langdon, Arthur Bell, Pierre Durant, J. H. Schaffer, William Neale, J. R. McFaddin, Andres Phillipan, James Mallet, Richard Jourdan, Desiderio Gonzales, Jose Maria Cerdo or Cardo, Torrevio Bustamente, Ladario Fermin, Antonio Lael or Liare, Pedro Ortiz, Henrique Cedio, Domingo Castillo, Jose Udarilla, Leandro Brisseno, Leandro Grissamo, John Dwyer, Jose de la Rosa, Maria Rodrigues, Alvino Lopes, Nasario Delgadillo, Pancho Zamora, Antonio Garza, James Penn, William Clark, Eben Cobb, Elkin Moses, James Selkirk, George Pomeroy, Augustus Rossiter, David Williamson, John White, Angelo Carresa, Robert Kinsbury, Mifflin Kennedy, Richard King, James O'Donnel, Manuel del Barco, Santiago Dia Nueva, Manuel Treviño, and Juan Manuel Schevale, were originally defendants, at a term of said court, held at Brownsville aforesaid, on the first Monday of March, in the year of our Lord one thousand eight hundred and fifty-nine, judgment was rendered against the said plaintiff, and in favor of Manuel Treviño and Eben Cobb, two of the said defendants, wherein and in the record and proceedings in the said suit, manifest error hath occurred, to the great damage of said Maria Josefa Cavasos, as by her complaint appears: and we being willing that such error, if any hath been, may be speedily corrected and speedy justice be done between the said parties in that behalf.

You are therefore commanded that you cause a complete transcript of the record and proceedings in said cause or suit to be made and certified under the seal of your court, to our said Supreme Court of the United States, at its next term, to be held at the city of Washington, on the first Monday of December next, in the year of our Lord one thousand eight hundred and fifty-nine, at which place and time the said Manuel Treviño and Eben Cobb shall be cited to appear to plead to this writ; and until the determination of our said Supreme Court thereon, you will cause execution on said judgment to be suspended and superseded.

Witness the Honorable Roger B. Taney, Chief Justice of the

Supreme Court of the United States, and the seal of the said District Court, at Brownsville aforesaid, on this the twenty-
[L. S.] second day of April, in the year of our Lord one thousand eight hundred and fifty-nine.

F. J. PARKER, Clerk.

Allowed by

JOHN C. WATROUS,
U. S. Dist. Judge, E. Dist. Texas.

Citation.

The United States of America, to wit:

The President of the United States of America, to Manuel Treviño and Eben Cobb, greeting:—

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of December next, pursuant to a writ of error, of which a copy is filed in the Clerk's Office of the District Court of the United States for the Eastern District of Texas, at Brownsville, wherein Maria Josefa Cavasos is plaintiff in error and you are defendants in error, to show cause, if any there be, why a judgment rendered by the said court, on the nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, against said plaintiff in error and in your favor, in a suit therein then depending between said plaintiff in error as plaintiff, and you and others as defendants, as stated in said writ of error, should not be reversed, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States. Done at Brownsville, this twenty second day of April, A. D. 1859.

JOHN C. WATROUS.

Endorsed, "Maria Josefa Cavasos, plff. in error, *v.* Manuel Treviño et al., def'ts in error.

"I acknowledge due notice of the within for the defendants, and as their attorney.

"ROB. HUGHES,
"For defendants, Cobb & Treviño.

"April 22d, 1859."

Supreme Court of the United States.

DECEMBER TERM, 1847. No. 1.

MARIA JOSEFA CAVAZOS,
Plaintiff in Error,
against
MANUEL TREVINO & ANOTHER,
Defendants in Error.

Writ of Error to District Court of United States for the Eastern District of Texas.

Supreme Court of the United States.

DECEMBER TERM, 1867. No. I.

MARIA JOSEFA CAVAZOS,
Plaintiff in Error,
Against
MANUEL TREVINO & ANOTHER,
Defendants in Error.

Writ of Error to District Court of United States for the Eastern District of Texas.

ABSTRACT OF THE CASE.

The plaintiff in error brought an action of trespass to try title to a tract of land in Cameron county, Texas, against a number of defendants, and, having dismissed the suit as to some of them, obtained judgment by default against all the others, except Manuel Trevino and Eben Cobb, the latter of whom had become a defendant, *pendente lite*, as landlord of one of those originally sued. The actual controversy, therefore, was between the plaintiff and Trevino and Cobb, who had severed from the other defendants, (p. 9.) The pleas raised several questions as to the defences of limitation and prescription; but before the jury retired those defences were deliberately abandoned, (p. 276,) and the defendants rested alone on the general issue. Hence it is enough to refer to so much of the evidence as relates to the points upon this issue.

The issue was as to a tract of land called "San Martin," which the plaintiff contended was within the boundaries of land named "Espiritu Santo," embraced in a grant under which she derived title. Nearly one hundred years have passed away since Salvador de la Garza settled upon this

land, so far as it was practicable to settle upon it in its then condition. It appears (p. 171 to 176) that in 1771 he entered the Potrero called Espiritu Santo, by breaking through the thicket on its western side; that in 1772 he made a denunciation of it before the Lieutenant General of the colony; that in 1776 he made to Marcus de Arredondo the power of attorney (p. 194) to apply for the lands which he had stocked since the 17th of May, 1772; and they are described as *bounded with the east with lakes of the sea.* It further appears (p. 171 to 176) that, under a commission decreed in 1777, in conformity with the denunciation, witnesses were examined in 1779, who depose to Salvador de la Garza, with his tenants, having possession of the Potrero known as Espiritu Santo, and describe its natural outlines, one of which is *the lagunes of the sea.* Garcia (p. 173) having spoken of the arroyo upon one side, mentions *the lagunes immediately communicating with the sea* upon *another.* The testimony of other witnesses is yet more pointed. The 4th (Don Lorenzo Suna) who, in 1771, spent six days with Salvador de la Garza in going through the Potrero, describes it (p. 174) as a barren tract of land, full in all parts of small streams and ponds which the freshets and rise of the Rio Grande, Arroyo Colorado, and lagunes of the sea, which inundate said Potrero, have made; the men and animals there preserving themselves upon some elevated piece of ground that it had. Salinas (p. 175-6) makes a similar statement as to the condition of the Potrero, and mentions the danger of Salvador de la Garza when surrounded by water.

The Inspection (p. 177) also mentions the effect on the Potrero of the high tides of the sea and the danger of being drowned.

Under such circumstances the *survey* was made in such manner as might reasonably be expected for land to go to the gulf, having regard to its then condition and its then very small value. It was made in July, 1779, and occupied several

days. The 1st line is described, p. 178; the 2d, p. 179; the 3d, p. 180; and the 4th, p. 181.

On the 26th of September, 1781, was the *grant* to Salvador de la Garza, (p. 191.) In it is a proviso contemplating the establishment of a *port*. Cotemporaneously, to-wit: September 26, 1781, is noted (p. 192) the title acquired by him to the lands named the Espiritu Santo, "on the margin of the lagunes of the sea of the Gulf of Mexico."

The 5th bill of exceptions, (144–277,) which states the substance of all the evidence at the trial, contains, besides what has been already mentioned, important testimony by Folsas A. Blucher and Ignacio Guerrar (p. 151-2) as to the meaning of Spanish terms in the documents; and testimony by Blucher as to instances of excess of quantity in surveys and titles, especially in Mexican. He mentions (p. 151) "a practice, when the surveyor did not consider the land worth much, to make up in quantity what was lacking in quality;" and says further: "It was not the custom for Spanish surveyors to meander the streams; in some Mexican surveys a rude attempt was made to approximate in the quantity and shape by offsets; the lines of the Spanish surveys are run, in accordance with the ordinances, north, east, south, and west, according to the compass or magnetic; in the resurveys he has made he has found the lines to be magnetic; in running a line along the front of a tract fronting on a creek, the Spanish surveyor run a straight line, at a convenient distance from the river, and estimated the quantity contained in any large bends; this was done with considerable bends." On being recalled by defendants, Blucher (p. 256) testified as to the difference between a line run magnetic and a line run true north. He testified that "if the Spanish surveyor had run down to the mouth of the river, and then magnetic north, he would have run into the gulf; at 993 cordeles he would have been in the gulf; it could not have run along the Laguna Madre; if the Spanish sur-

veyor intended to run the eastern line with as little trouble as possible, he could not have come down much lower than he did; if he were instructed to survey the land enclosed within the Rio Grande, the Arroyo Colorado, and the Lagunas bay, running base lines by cardinal points, he would have run these base lines pretty much as they were done by the Spanish surveyor." Again, (p. 257,) he says: "If the Laguna Madre bounds the Espiritu Santo tract on one side, and the Rio Grande on the other, then the only connecting line would be along the coast to the Boca Chica, and all the land down to the sea would be included, and it would include San Martin." Being further examined, he testified that in Spanish titles no meandering is stated; in all he had seen the lines run by the cardinal points; in making estimates of quantities, the surveyor runs offsets or jags. A map or plan to which he testifies is p. 260.

The views of Blucher accord well with the testimony of other witnesses. Chapa, (p. 144,) speaking of the Agostadero del Espiritu Santo, says: "This Agostadero was from the Puerta above Santa Rita down to the sea." Further he says: "This tract of land was bounded on the north by the Arroyo Colorado to the Laguna, and on the south by the Rio Grande to the sea; the boundary on the east is the lakes or bays and the sea." Guerra (p. 146) testifies that the boundaries of the Espiritu Santo were from the Arroyo Colorado to the Rio Grande, and thence along the lakes of the sea to the Tavernas, where the Arroyo Colorado enters the bay. He describes one of the boundaries as "along the bay of the sea to the mouth of the Rio Grande." He speaks (p. 147) of the advantage which the tract had of traversing the lakes or bays on one side. Garcia, who was 83 when he gave his deposition, and was at the Espiritu Santo when he was little more than 15, says (p. 199) that its principal advantage is that it is enclosed by nature on the four sides, and, therefore, is called Potrero—there being on two of the

sides the sea and the Laguna Madre, communicating with the sea; and that, according to general reputation, what was included as the property of Salvador was included within these points.

On the east the sea kept the cattle from getting out, (p. 145,) and this was important in reference to the objects of Salvador de la Garza. Wishing to keep a large stock of cattle, he had chosen the tract, and obtained a grant of it, on account of its natural advantages and convenience; and one of the advantages, and a great convenience, was that it was enclosed on all sides, so as to keep cattle from straying, being bounded on the north by the Arroyo Colorado—a stream which runs from west to east, flowing into the Laguna Madre; on the east by the laguna and the 'sea,' or Gulf of Mexico; on the south by the Rio Grande; and on the west by a line of chaparral or wood and the Arroyo—whereby cattle were prevented from escaping, except at a narrow entrance, called the 'Puerta,' (p. 144–150.)

Salvador de la Garza had various ranches, one of which was at San Martin, (p. 199, 200.) Guerra, (p. 146,) speaking of the *old* ranches, specifies among them San Martin. The land, down to the sea, was considered as belonging to the agostadero of Salvador de la Garza, (p. 145,) and he continued in possession (p. 144) until his death in 1802, (p. 199.) He left three children, to wit: a son, Blas Maria de la Garza, and two daughters, Xaviera and Margarita, (p. 199.) Of these two, the last-named, having married, in 1783, Pedro Lopez Prieto, died, leaving two sons, Manuel and Prieto, (p. 200;) and the first, having married, in 1787, Jose Goseascochea, had two daughters, Estafana and Feliciana, (p. 200)—the latter of whom married Juan Jose Tijerina. Blas, having married, in 1792, Maria Francisca Cavazos, died in 1802, having, by his will, devised one-fifth of his property to his niece, the present plaintiff, and four-fifths to his wife, Francisca.

Salvador de la Garza had a great number of cattle, horses, and mules, (p. 199, 200.) Upon his death, the stock of animals being the important subject—of greater value probably than the land—his heirs had a division of the stock, and thenceforth they seem to have held separately certain ranches remote from the coast, (p. 146.) Yet, though certain ranches and watering places were held separately, the Agostadero was in other parts used in common, the cattle ranging over the same together. Chapa particularly mentions that the part of the Espiritu Santo, along the lagunes of the sea, was so held in common, (p. 146, 147, 149.) Thus the children of Salvador de la Garza, their heirs or devisees, had possession thereof as owners, (p. 144, 145, 147, 148, 149.) After the death of Blas, Francisca Cavazos succeeded him in possession. Chapa (p. 145) specifies Enrique Villareal as a tenant of her's down to San Juan, and thence as far down as he pleased to the bays. After her death in 1835, the present plaintiff succeeded her in possession, (p. 146, 147.) For Francisca devised her property between her sister and the present plaintiff, (p. 200, 217,) and, in 1835, there was made between those two a partition, whereby the interest of Francisca, in the Espiritu Santo tract, was assigned to the present plaintiff, (p. 200, 217, 220, 229, 235, and particularly 223, 231, 233.)

The plaintiff was married on the 2d of October, 1818, and her husband died during the year 1853, (p. 152;) and in the same year, to wit: on the 1st of September, 1853, this suit was brought.

At the trial, no question was or could be made as to the right of Salvador de la Garza under the grant to him to all the land embraced therein. *U. S.* v. *Arredondo, &c.*, 6 Peters, 227; *U. S.* v. *Clarke*, 8 Id., 451–2; *Smith* v. *U. S.*, 10 Id., 331; *U. S.* v. *Peralta, &c.*, 19 How., 347. Nor was it questioned that Blas de la Garza became,

on his father's death, entitled to one undivided third of that land; and that his right passed by his will. And he and those claiming under his will had seizin and possession co-extensive with their right. *U. S.* v. *Arredondo, &c.*, 6 Peters, 743. And the plaintiff had not only shown that she represented the share or interest of Blas de la Garza, but had so far shown, by documentary and oral evidence, that the grant extended to the coast, and thus included the land in controversy, as to make out against the defendants at least a *prima facie* case.

The defendants undertook to reply to it. The 1st bill of exceptions shows that the defendants offered in evidence a document (p. 19 to 100) purporting to be a copy of proceedings of surveys of lands of Santa Isabel, San Martin, and Buena Vista, applied for by Ignacio Trevino, Rafael Garza, and Manuel de la Garza, which proceedings and the copy thereof, are authenticated only in the manner stated on page 100, to wit: by a certificate of Jose Domingo de la Garza, (with two attesting witnesses,) which does not state the official character of the signer, nor show *when* it was given; and the copy is followed by a *quasi* patent, which purports to be issued in 1829 to Rafael Garcia, and has nothing to do with the controversy in *this* suit, as the defendants claimed under Ignacio Trevino. The grounds of objection and the opinions excepted to are stated, (p. 103–4.)

After those opinions, it appears (p. 235) that the defendants gave in evidence the document mentioned in the first bill of exceptions; and also gave in evidence a copy of a document purporting to be a grant or patent issued in 1829, by the govenor of the state of Tamaulipas, to Ignacio Trevino, to which documents the plaintiff objected on the grounds stated, (p. 241;) but the Court, nevertheless, allowed the same to be read as evidence to show boundary and possession.

A decree of the 5th of July, 1827, forming part of the document recited in the first bill of exceptions, sets forth (p. 21) that the lands of San Martin had been applied for by the "forefathers" of Manuel Prieto; that Manuel himself had made an effort to acquire these lands, but had not prosecuted his claim with activity and within due time; that Jose Ignacio Trevino has held the lands for many years by the authority of the Government, in the capacity of a tenant; and that the council advised that the lands called San Martin applied for by him be awarded to him, and that the balance be awarded to Manuel Prieto, after a survey. The document further shows that as to the balance so proposed to be granted to Manuel Prieto, a long and excited controversy ensued, especially as to the proper boundary line of the Espiritu Santo grant, in the course of which Xaviera de la Garza was summoned to represent that grant, and her son-in-law, Juan Jose Tijerina appeared for her, (pp. 30, 32;) that the Alcalde proceeded, in 1828, to run out the lines of the Espiritu Santo grant, according to the construction of that title, but with continual protests on the part of Manuel Prieto and Juan Tijerina, who contended that the boundary line of the Espiritu Santo was further east than the Alcalde placed it, (pp. 32, 68, 83, 84;) that this controversy resulted in a survey made by the Alcalde, according to his own views—in a reference of the matter to the Government, and in a decision by the Governor that the lands surveyed by the Alcalde were vacant; that the application of Prieto was null; and that the lands should be granted to Ignacio Trevino, Rafael Garza, and Manuel de la Garza, (pp. 84–6;) and titles of possession were accordingly issued by the Alcalde, in 1829, to the three severally, granting thus to Ignacio Trevino five leagues and seven and a third caballerias, or about one quarter of a league more than five leagues, (pp. 86–7, 95–6.)

The defendants then called a number of witnesses, whose

testimony was directed, with more or less applicability, to show that the eastern boundary of the Espiritu Santo tract had been reported to be, not the coast line, but a straight line drawn from the Rio Grande to the Arroyo Colorado, leaving between it and the coast about eighteen leagues of vacant land, which had been occupied by parties not claiming under the Espiritu Santo grant; that the heirs of Salvador de la Garza, seeming so to understand the boundary, had not, to the knowledge of the witnesses, claimed to the east of that line until recently, but had made an amicable division of the remainder of the land lying west of that line, as if it was the whole of their grant; that Ignacio Trevino and his heirs had occupied the part of the vacant strip nearest the mouth of the Rio Grande, since 1802, had built a rancho there, called San Martin, and kept their cattle on that land; that Pedro Lopez Prieto and Manuel Prieto, knowing this occupation by Trevino, had not disturbed it, and although contending that this strip of land was, if vacant, subject to their denunciation by right of preference as adjoining owners, had finally yielded, and that Manuel Prieto had, in 1840, in a judicial proceeding before the Alcalde, formally given up the controversy, (p. 241 to 259.)

The defendants gave in evidence (p. 260) a deed of the 11th of April, 1856, from Dionicia Trevino, daughter and one of the heirs of Ignacio Trevino, and (p. 261) the map or plan to which the witness Blucher had testified; and, also, (p. 261) the document mentioned (p. 104) in 2d bill of exceptions; and further, gave in evidence (p. 261 to 266) copies of proceedings in a suit between Manuel Prieto and others; and also gave in evidence (p. 266 to 273) copies of the field notes of two surveys, made under the act of the Legislature of February 10, 1852—one showing the San Martin tract to contain over six and a third leagues, and the other showing the Espiritu Santo to contain sixty-four and one-fourth leagues. And so much of the act was read as related to the San Martin tract.

Whereupon the plaintiff produced, as rebutting evidence, (p. 273 to 275) copies of the application under which said survey of the Espiritu Santo tract was made, and of the protest accompanying the full notes in the General Land Office, which showed that the present plaintiff and Estafana Goseascochea de Cortina, who caused the survey to be made, while yielding temporarily to the objection of the surveyor that he could not re-survey titled land, and could not himself determine the controversy as to title, and consenting that the eastern boundary line of the Espiritu Santo tract should, in that survey, be run from the Rio Grande to the Laguna, in a straight course, as stated in the old title, reserved all their right to the land on the eastward of this line to the coast to be determined by suit or otherwise.

The plaintiff had, in her testimony in chief, introduced the following evidence of a rebutting character. She had proved by witnesses that Pedro Lopez Prieto was a captain in the Spanish army, and, after the death of his first wife, was frequently absent from his residence upon military service; that he left, as manager or mayer domo, the very Ignacio Trevino, who afterwards claimed the land called San Martin; that the rancho or principal establishment of Prieto, upon the Espiritu Santo grant, was only about three hundred yards above or west of the point where the defendants contended that the Espiritu Santo tract terminated; that the cattle of Prieto, and of his children, ranged down to the sea coast; that the ranche of "San Martin" was originally established by Salvador de la Garza (199, 200,) and was held by Trevino as the tenant or manager of Prieto, and by Hinojoso in the same capacity, (p. 144, 160;) and that Dona Francisca Cavazos used to rent to other persons the lands down below, and Prieto did not prevent it or interfere, (p. 146.) On cross-examination of defendants' witnesses, it was shown that Pedro Lopez Prieto married, as his second wife, the sister of Ignacio Trevino, was an inti-

mate friend of the latter, and stated to several persons that the lands near the coast belonged to Trevino; that Prieto had his principal rancho at a place called "El Tanque," adjoining the point claimed by the defendants as the eastern boundary of the Espiritu Santo; that Lorenzo de la Garza was the father of Domingo de la Garza, and that Pedro Lopez Prieto must have died before 1827, and about 1814,) (241, 259, 254, 247, 109.)

The 3d bill of exceptions sets forth (p. 109) that after the plaintiff had introduced evidence conducing to prove that a grant of the land in controversy was made by the Spanish Government in Mexico, in the year 1781, to Jose Salvador de la Garza, and that the land comprised in said grant passed by descent to his three children, to wit: Javeira de la Garza, Blas Maria de la Garza, and Margarita de la Garza; that the plaintiff derived title under Blas; that Margarita married Pedro Lopez Prieto, a captain in the Spanish army in Mexico, and died, leaving two children, Antonio and Manuel Prieto, under the charge of said Pedro Lopez Prieto; that said Pedro Lopez Prieto kept a rancho (p. 145, 148, 149, 150) at a place called "El Tanque," a few hundred yards above the land afterwards claimed by Ignacio Trevino in 1829, and thereafter as the eastern boundary of the grant of San Martin; that Ignacio Trevino was entrusted by said Pedro Lopez Prieto with the management of his affairs at such rancho, and the charge of the stock, as mayer domo, or manager; that Pedro Lopez Prieto was often absent from the rancho on military duty, and died about the year 1814; and that Manuel Prieto, his son, continued to occupy said rancho after his death; and after defendants, Cobb and Trevino, had also introduced evidence tending to show that both Pedro Lopez Prieto, and, after his death, his son, Manuel Prieto, had denounced the land lying to the east of a line run magnetic north from a point near the Tanque, including the land called San Martin,

Santa Isabel, and Buena Vista; that Ignacio Trevino had been in possession of said land of San Martin from the year 1802 to the year 1842, when he died; that both Pedro Lopez Prieto and Manuel Prieto had been known to say that they did not claim said land lying east of said line, and that they considered it as vacant land; and that Ignacio Trevino had applied for and claimed to have obtained a grant of the land of San Martin from the officers of the State of Tamaulipas, in the years 1827, 1828, and 1829—all of which evidence is stated at length in the fifth bill of exception—the plaintiff then, as rebutting testimony, offered to use in evidence a copy from the originals in the archives of Camargo, of a power of attorney made by Pedro Lopez Prieto to Ignacio Trevino, on the 14th of April, 1812, before three witnesses, authorizing the latter to draw up and arrange his (Prieto's) will, and appointing Trevino one of his executors; and also offered to read in evidence (p. 112) a compared copy of the will itself, made in the name of Prieto, by Trevino, under this power, on the 30th of June, 1815, before the second Alcalde of Camargo, and five instrumental and two attesting witnesses, and in connection therewith offered in evidence a copy of an act of sale of 18th of March, 1794, from Pedro Lopez Prieto to Lorenzo de la Garza. But the Court excluded all of said papers as evidence; to which ruling the plaintiff excepted, (p. 125.)

The 4th bill of exceptions shows (p. 125) that the plaintiff, in order further to rebut the defendants' evidence, offered in evidence the paper, (p. 125 to 143,) admitted to be a correct copy of certain proceedings had before the Supreme Court of the State of Tamaulipas; but the defendants objecting to the admission of the same on the grounds stated, (p. 143,) the Court excluded the evidence, and the plaintiff excepted.

Both parties having introduced maps tending, with other evidence, to show the construction of the Espiritu Santo

grant and its local position, the Court, after the evidence was closed, instructed the jury, and the plaintiff excepted, as stated, (p. 275–6.)

The Court, at the request of the defendants' counsel, further instructed the jury, and plaintiff excepted, as stated, (p. 276–7.)

Thereupon, the Court was requested by plaintiff to give an instruction, (p. 277,) which the Court refused, and plaintiff excepted.

Though another instruction requested by plaintiff's counsel was given, yet the defendants requesting another instruction in modification thereof, the Court gave the same, (p. 277,) and the plaintiff excepted.

After these opinions of the Court, the jury found the verdict, (p. 278.) The Court overruled the motion for a new trial, and also overruled a motion to render judgment for a portion of the land, and plaintiff excepted. Thereupon judgment was given for defendants, Trevino and Cobb. And to that judgment the writ of error was awarded.

Points and Authorities.

I. Illegal and improper evidence was admitted to the plaintiff's injury. The act of Texas of December 20, 1836, (Hartley's, Dig., p. 833 art. 2754,) only authorized a record upon *proof in open court;* and the document, (p. 19 to p. 100,) was recorded without such proof. Until the same should have been *duly proven* and presented to the Court, as required by this act, it could not take effect as regards the interests and rights of third parties. So it is provided in § 40 Hartley's Dig., art. 2757, p. 833-4. Subsequent legislation has not materially changed this provision. *Guilbeau* vs. *Mays*, 15 Texas, 413-14. Notwithstanding the act of May 12, 1846, (Hartley's Dig., art. 2787, 2789, pp. 841-42,) it was a valid objection that, by the laws in force at the time the document was placed on the county records, it could not be legally

recorded; the objection was valid both because such a document was not permitted or required by law to be recorded in the clerk's office, and because, even if it was permitted or required to be recorded therein, it could not legally be so recorded until it had been proven or acknowledged in the manner provided for by the laws in force at the time of its registration. Art. 745 in Hartley's Dig., p. 255, did not, therefore, authorize it to be admitted as evidence without proving its execution. Nevertheless, the Court overruled the plaintiff's objection and therein erred. Nor was the error cured by any proof afterwards adduced. For the copy was not issued under the former government of Texas, that is, by the officers of the State of Coahuila and Texas. *Paschal* vs. *Perez*, 7 Texas, 361. Neither does it appear that the copy was taken at the time when the original was entered, nor indeed that it was made before 1857. Because Domingo de la Garza was alcalde of the city of Matamoras in the year 1829, it does not follow that he was alcalde when the copy was made. And even if it did, proof of the signatures to the copy does not make the copy evidence of its identity with the original or of the execution of that original. *Brown* vs. *Thornton*, 6 Adol. and El. 185, 33 Eng. C. L.

Supposing the execution of the original and the correctness of the copy to be sufficiently shown, it was incumbent on the defendants to show *validity* in other respects. Mere possession of public land *without title* would not enable them to defend themselves against the government or against the plaintiff having possession under title derived from the proper officers of the government. *Pepper, &c.*, vs. *Dunlap*, 9 Rob. 287; *Pennington* vs. *Gibson*, 16 How., 64-5. The document set out in the first bill of exceptions, and the copy of the document purporting to be a grant or patent issued by the Governor of the State of Tamaulipas to Ignacio Trevino, (p. 235 to 241,) were both liable to the objections mentioned in the 5th bill of exceptions, (p. 241.) *Goode* vs. *Mc-*

Queen's heirs, 3 Texas, 251; *Edwards* vs. *Davis*, Id. 328; *Republic* vs. *Thorn*, Id. 510. These cases are distinguished from *Hancock* vs. *McKinney*, 7 Id., 440-41, and, since the latter case, have been recognized and acted upon, not only in the State courts of Texas, (*Edwards, &c.*, vs. *Davis, &c.*, 10 Id., 316; *Smith, &c.*, vs. *Power*, 14 Id., 146; *Smith* vs. *Power*, 23 Id., 32,) but also in the Supreme Court of the United States. Subsequently to *Arguello, &c.*, vs. *U. S.*, 18 How., 549, and *U. S.* vs. *Cervantez*, Id. 553, to wit: in 1860 this Court regarded those Texas decisions as having a binding force almost equivalent to positive law, and under their influence sanctioned the judgment that denied validity to the grant in *League* vs. *Egery, &c.*, 24 How., 264, and *Foote* vs. *Egery, &c.*, Id. 267. According to these decisions the grant for lands within twenty leagues of a foreign nation was held illegal and void, and excluded from the jury, in *Christy* vs. *Pridgeon*, 4 Wallace, 196; and here the grant for lands within ten leagues of the coast should not only have been held illegal and void, but should have been excluded from the jury. *Wilcox* vs. *Chambers*, 26 Texas, 180. Whereas under the decision of the Court below (p. 241) the documents, though excluded as showing a valid grant of land, "were allowed to be read as evidence to show boundary and possession."

The documents were illegally allowed as evidence for any such purpose. Salvador de la Garza taking under a *valid* grant—by matter of record—the law deems this grant of equal notoriety with an actual tradition of the land in the view of the vicinage. *Green* v. *Liter, &c.*, 8 Cranch., 247. Moreover, though their title had not been upon this high footing—of a grant from the sovereign—he and those claiming under him had such possession and seizin in all the lands embraced in the grant to him as in their condition would have been sufficient under any other valid title. Lit., § 419. There was an entry in law as strong and as forci-

ble as an entry in deed. Co. Lit., 253*b*; *Green* v. *Liter, &c.*, 8 Cranch., 246; a constructive seizin in deed. S. C., 249. This seizin was not bounded by the actual occupancy of Salvador de la Garza, and those claiming under him, but was co-extensive with his or their title. S. C. 254; *Anderson* v. *Darby*, 1 Nott. & M. 371. Whereas, the seizin of Trevino, who entered without title, could not embrace more than his possession by metes and bounds. *Green* v. *Liter, &c.*, 8 Cranch., 250. His possession cannot extend beyond the bounds of his actual occupancy. *Barr* v. *Gratz*, 4 Wheat., 224; *Society for Propagation, &c.*, v. *Pawlet*, 4 Peters, 504. This Court said, in 1831, "If the true owner be at the same time in possession of a part of the land, claiming title to the whole, then his possession extends by construction of law to all the land which is not in the actual possession and occupancy, by enclosure or otherwise, of the party so claiming under a defective deed or title. The reason is plain: Both parties cannot be seized at the same time of the same land under different titles, and the law therefore adjudges the seizin of all, which is not in the actual occupancy of the adverse party, to him who has the better title." *Clarke's lessee, &c.*, v. *Courtney, &c.*, 5 Peters, 354.

The documents in question, not conducing to prove actual possession and occupancy of any certain part of the land, were on this ground, as well as the other grounds before mentioned, illegally admitted as evidence. The admission of the same altered the course of the trial, and compelled the plaintiff to offer some rebutting evidence, which otherwise there would have been no occasion to offer. *Bennison* v. *Cartwright*, 5 Best & Smith, 14.

II. Error was committed not only in admitting the illegal and improper evidence so adduced by the defendants, but also in rejecting rebutting evidence offered by plaintiff.

It will be noticed that the defendants' case rested on two points: *First*, The apparent acquiescence of the Prieto's in

the claim of Ignacio Trevino ; *Second*, The apparent adjudication by the authorities of Tamaulipas, in 1827–1829, as to the boundary of the Espiritu Santo grant; and the issuance of grants to claimants of the land near the coast. To rebut the presumptions arising from these apparent facts, the plaintiff offered evidence to show: *First*, The motives which induced the Prieto's to countenance the claim of Trevino; *Second*, The revocation of the junior grants, and the reversal of all the proceedings by the Supreme Court of Tamaulipas.

First, as to the motives. In the will, (p. 117,) which Chapa perhaps saw in Camargo, (p. 145,) it is declared that the testator was twice married—first to Margarita de la Garza, by whom he had two children, Manuel and Antonio Prieto, and second, to Josefa de Trevino; that by the death of his first wife, he received, as guardian of her children, whatever is shown by the inventory of his father-in-law, Salvador de la Garza, but had kept no account of it. (Arts. 3–4–6.) That he brought into the first marriage no property of his own, and, into the second marriage, only a hundred dollars and twenty-five horses. (Art. 4.) That he sold lands of his second wife to Lorenzo de la Garza, "*promising to give her in "return therefor an equal quantity of pasture ground, in the "lands of San Martin, Buena Vista, and Santa Isabel,* which "he had denounced, and as to which he had proceeded to the "formal survey and publications, those proceedings being "lost or mislaid, for which reason they (the lands) up to "this time, remained unpaid for to his majesty, *and pos-"sessed in good faith by his said confider,*" i. e. Prieto. (Art. "11, 13.) And that he enjoins his sons, and especially "Manuel, and charges their consciences 'hoping that as "obedient sons they will not have even the least disagree-"ment as to pecuniary advantages, but will be content with "whatever there may be and God may hereafter give them,'" etc. (Art. 16, p. 112–120.) In connection with this will

is the power of attorney under which it was made, and the act of sale to Lorenzo de la Garza.

The relevancy and importance of this testimony is apparent. It showed that Prieto, a needy adventurer, married into a wealthy Spanish family, and was left as the guardian of his children, in possession of the Espiritu Santo tract, in which his wife had an interest; that, after his second marriage, he squandered the property of his new wife, and when compelled to make restitution, he offered to her the very land in controversy which he had sought to sever from the the Espiritu Santo grant by a pretended denunciation; that before his death, he gave the brother of his wife the power to secure this indemnification, by making a will for him on any terms; that his brother-in-law exercised this power for the benefit of his own family, by pledging in the name of his principal the coveted possessions to his sister, and by an hypocritical appeal to the affection of the children of Prieto, by the former marriage, to induce them to permit the arrangement to stand. Or if the will is to be considered as invalid, and only amounting to a declaration by Trevino, who made and signed it, still it contains the very important admission by him, that the land in controversy was in *possession of Prieto*, as vacant land, up to 1814, which entirely overthrows the presumption of a grant to Trevino, at a date antecedent to 1814, and destroys the principal defence.

These papers were also competent evidence. The objection of the defendants to them were, *first*, that the will was executed more than a year after the power was granted; and *second*, that the power was not inserted in the will. (p. 120.) The *first* objection is founded on a singular mistake. The Spanish law permitted the appointment of an attorney in fact, or *commissary*, to make a will after the death of the principal, and in that case he was said to die testate, though no will had been made; the 33d law of Toro required the attorney to execute his power within, at farthest,

one year; and the defendants' counsel seems to have supposed that this meant one year from the time of the execution of the power, when it really meant one year from the death of the principal. (Febrero Adic., Part 1, Ch. 1, § 17, No. 244; Febrero Reform, ed. Caravantes, Vol. 1, Tit. 17, No. 1546; Gomez ad Leg. Tauri, XXXIII, No. 1.) Sala falls into a strange error in this respect, and Escriche seems to evade the question. Now, as it appears from the will and other proof, that Prieto died on the 8th of September, 1814, and the will was made less than a year afterward, the objection was unfounded. The *second* objection also rests on a misconstruction. There was no *law* which required the insertion of the power of attorney in the will itself; but this insertion was a part of the form which notaries were advised to adopt in extending the will. The 38th law of Toro, cited by Febrero, (Adic., ubi sup., No. 247,) refers only to the requirement that the power should have the same solemnities which attend a will; but the insertion of the power is a mere matter of practice, and does not affect the validity of the will. The Alcalde recites in the caption of the will in question, that the original of the power has been delivered to him to authenticate that instrument, and to have it embodied in the transcripts, (p. 116,) and we find it preserved with the will in the archives of Camargo. Nothing more can be required. As a soldier, Prieto was authorized to make his will, or give a power for that purpose, before two witnesses only, or by a simple writing signed by him. (Escriche Dicc., verb. Testamento Militar.) The execution of the power was recognized by the Alcade, at the time of making the will, and was thus proved by his official action.

Secondly. The plaintiffs also offered, as rebutting evidence, a copy of proceedings had in the Supreme Court of Tamaulipas, in the years 1830–4. (p. 125–143.) It will be noticed that in the document introduced by the defendant to show a grant of the lands of San Martin, Santa

Isabel, and Buena Vista, it appeared that objections, as to the legality of the proceedings, were constantly made by Prieto and Tijerina, (p. 34, 43, 52, 84,) and the former declared his intention of contesting the matter further, (p. 83–4.) A few weeks, therefore, after the titles of possession were given, Prieto applied to the Supreme Court for relief, on the ground of the illegality of the surveys, (p. 134–6 ;) and after a variety of proceedings, and an animated controversy between the Supreme Court and the Executive officers. it was twice decided, in 1830, and 1834, upon the opinion of the Attorney General, (Fiscal,) that the surveys of these three tracts, made in 1828–9, were void, and that the grants to Garcia, Garza, and Trevino, were not to be considered in any suit for the trial of the right of the land, (p. 137–8, 141–3.) This conclusion rested on the ground that Prieto, and the other owners of the Espiritu Santo tract, could not be deprived of their land by executive action, but that regular *judicial* proceedings should be had to determine the right. (Law of Colonization of Tamaulipas, Arts. 9, 22 ; L. & D. Co. & Tex., p. 345, 347.)

It is evident that this document contained testimony material and relevant to the issue. The defendants had introduced a grant and official proceedings, which apparently showed a construction and authoritative action in regard to the limits of the Espiritu Santo tract ; and the effect of this would have been increased by the failure on the part of the representatives of the latter grant to make any further resistance. In this position of the case the proceedings in the Supreme Court of Tamaulipas were pertinent for two reasons ; *first*, they showed that the surveys of the junior claims were not to be regarded as legal or final ; and *second*, they exhibited the determined opposition of the elder claimants. The principal objection to their admissibility was that it did not appear that Trevino, Garza, and Garcia were parties to them, (p. 143,) but it is evident that the controversy was

between the Executive officers and the Supreme Court, and that it was not considered by any one that these private claimants had acquired any final or definite title or vested right. And if the argument be admitted, that notice to them was necessary, then *a fortiori* notice to Francisca Cavazos, and Estefana Goseascochea, two of the owners of the Espiritu Santo, would have been necessary to make the surveys for Trevino and his associates valid or binding. (Law of Colonization of Tamaulipas, Arts. 9, 22; L. & D. Co. & Tex. p. 345–7.) An instance of the effect given to the decisions of the Supreme Court of Tamaulipas is found in *Trevino* v. *Fernandez*, (13 Tex. 632, 666–7)

The Court below, therefore, erred in excluding the papers mentioned in the third and fourth bills of exceptions.

III. The Court erred in its construction of the documents admitted as evidence. It being contended by the plaintiff that the Espiritu Santo grant was bounded by the natural coast line, and by the defendants that it was bounded by an imaginary straight line, to be drawn some distance west of the coast, so as to leave vacant the land in question, the Court below, as between the two theories, decided in favor of the defendant. For, though the charge of the judge to the jury is not very clear, yet, by comparing it with the first instruction given at defendants' request, it is obvious that the judge meant the jury to understand that the true eastern boundary of the Espiritu Santo tract was—not the meanders of the coast itself from the mouth of the Rio Grande to the Arroyo Colorado—but a straight line drawn from a slough on the Rio Grande, by the Tanque, to a pocket on the laguna, (pp. 275–6.) Such being the meaning, there is error both in the charge and in that first instruction.

It is a rule that all the several parts and ceremonies necessary to complete a conveyance shall be taken together. 5 Cruise's Dig., 510–11; *Landes* v. *Brant*, 10 How., 372;

Yon'z v. *U. S.*, 23 Id., 498. The act of cession, the survey made necessary by it, and the deed, though occurring at different times, have all been regarded as parts of the compact, when the question is as to the transfer of a portion of the soil and jurisdiction of a State to the United States. *French* v. *Bankhead*, 11 Grat., 152–3. In the present case, regard is to be had to *four* distinct parts, all of which show the general intention of the applicant to obtain a large tract of land, enclosed by natural boundaries, sufficient to contain his cattle and prevent their wandering beyond those boundaries.

First. The denunciation and identification of the land. The five witnesses summoned to identify it, and testify to the merits of the applicant, all describe it as bounded on the east by the lagunes of the sea, and state its principal advantage to consist in its being a natural enclosure or Potrero. Salvador de la Garza was the first who entered it, and he put up a fence, or bars, at the opening, which he cut through the western line of the thicket, (p. 172.) Add to this the similar description in the power given by Salvador to Arredondo, in 1776, (p. 194,) and there can be little doubt as to the boundary applied for.

Second. The inspection, or "vista de ojos." In this proceeding, which is peculiarly intended to identify the land, (Ordenanzas de Tierras y Aguas, 5th ed., p. 217,) it is recited (p. 176–177) that the land to be granted extends to the lagunes of the sea, and includes the "recesses, angles, and bends of those lagunes."

Third. The survey. It seems that the official surveyor ran four general lines towards the cardinal points, making a quadrilateral figure, in order to calculate the quantity. The first line began at a watering place in the southwestern corner of the tract; thence ran east 584 cordeles, (100 cordeles make a league in length,) and there terminated, six cordeles below a tank, near the Rio Grande. The second line

began at this last point, and ran north 993 cordeles, intersecting the heads of the bends or indentations of the shore, and terminated in a pocket or large bend of the Laguna Madre, on the shore of the laguna. The third line began some distance northwest of the termination of the second line, on account of the interposition of an arm of the laguna; thence ran west, along the margin of the Arroyo Colorado, 309 cordeles; there, being stopped in that direction by the stream, turned south, 100 cordeles, and there ceased, on account of the difficulty of pushing the survey further west from obstacles interposed. The surveyor, however, estimated the total westing of this line to be the same as the easting of the first line, and began again at a point north of the beginning point, where was the fence which the grantee had placed at the opening cut by him in the chaparral; thence ran south 225 cordeles to the beginning point, estimating the total length of this fourth side of the figure to be 725 cordeles—i. e., from the Arroyo to the Rio Grande. And the surveyor then calculated the quantity of land within these four lines, and including "the bends and elbows which the Rio Grande makes belonging to the first line," to be fifty-nine leagues and eleven and a half caballerias, (p. 181.) The second, or eastern line, is called by the surveyor "la linea de las lagunas," and the first, or southern line, "la linea frontera del Rio Grande." There can be no doubt that he regarded the second line as a sufficient approximation to the tortuous coast line, especially as it appears that the low lands along the laguna and Arroyo were then inundated. And, throughout, the tract surveyed is called a "Potrero," which term all the witnesses understand to mean a "natural enclosure suitable to keep stock in," (p. 151–153.) All this will more clearly appear by the accompanying plan, showing the ancient grant, according to the maps of the General Land Office of Texas and the boundary surveys.

The weight to be given to the survey is ascertained by numerous cases. The grant was made to conform, as near as may be, to the plat in *McIver* v. *Walker*, 4 Wheat., 449. To supply a defect in the description of the tract in the patent, the original plat and certificate of survey were resorted to in *Steele's heirs* v. *Taylor*, 3 A. K. Mar., 226. The survey was used as an auxiliary, in connection with other facts, to identify the river as the proper boundary, in *Bruce, &c.*, v. *Taylor, &c.*, 2 J. J. Mar., 162. Obscurity in the description was removed by the survey in *U. S.* v. *McMasters*, 4 Wallace, 681–2.

Fourth. The final grant to which sundry proceedings lead. The land is sold at public auction, bought by Salvador de la Garza, who accepts "the said potrero," and his attorney applies to the Judge of Lands and Waters, at Mexico, for a reduction in the price from twenty dollars per league to two dollars for the land in this "potrero," (p. 183.) Upon this the Attorney of the Treasury (Fiscal) reported that the lands of the *potrero denounced were found, by the survey, to contain fifty-nine leagues and eleven and a half caballerias;* and that, as Salvador de la Garza had been the first to denounce and settle it, he ought to be preferred to others, who had attempted to obtain a part of it; that the price should be reduced, and that "the fifty-nine leagues, etc., *of the potrero del Espiritu Santo*" should be granted to Salvador, (p. 184–6.) The judge, thereupon, reduced the price to eight dollars, and granted the land, subject to the confirmation of the Audiencia, (p. 186–7.) The advising officer, to whom the matter was again referred, raised the price to ten dollars, and recommended the sale to Salvador of "the land of the potrero del Espiritu Santo," (p. 187–9.) The Audiencia confirmed the denunciation of "the potrero named Espiritu Santo, *in which are comprised* fifty-nine sitos of ganado major and eleven caballerias of land," (p. 189.) And the Special Judge issued a formal grant, or

title, for said fifty-nine leagues, etc., not exceeding its "linderos," (p. 101.) And the grant is entitled "Titles of "lands in the potrero, named that of Espiritu Santo, on the "margin of the lagunes of the sea of the Gulf of Mexico." (p. 182.)

The intention of both contracting parties in this grant is, evidently, to set apart to the private claimant a well-known tract of land, comprised within natural boundaries, for the purpose of keeping stock within them; and the Eastern boundary is the lagunes communicating with the Gulf of Mexico. It cannot be supposed that the grantee, when seeking a safe place for his stock, and insisting on his exclusive right to the whole of it, would have suffered his Eastern boundary to be an imaginary line, with a vacant space of ten leagues, or more, between it and the coast, especially when this land could have been bought for two to ten dollars per league. Nor can it be imagined that the Government would then desire to reserve the worst portion of the tract, intersected with arms of the sea, and usually covered with water.

Mistaken descriptions, arising from mistake or inaccuracy of surveyors, or from variation of the compass, have often been remarked by the judges. *Shaw* vs. *Clements*, 1 Call., 438; *Herbert & wife* vs. *Wise, &c.*, 3 Id., 242; *Baker* vs. *Seekright*, 1 H. & M., 177. Courts generally agree that there can be no safer guide than notorious land-marks established by the hands of nature. *Dogan* vs. *Seekright*, 4 H. & M., 130. This Court has laid down as an universal rule, that course and distance yield to natural and ascertained objects, *Preston's heirs* vs. *Bowmar*, 6 Wheat, 582. If water-courses be called for in the patent, or mountains, or any other natural objects, distances must be lengthened or shortened, and courses varied so as to conform to these objects. *McIver* vs. *Walker*, 4 Id., 488. As *Marshall*, C. J., (in 1822,) observed, "Generally speaking, it is the particular intention

of the purchaser to acquire the land lying on the stream called for, as being more valuable than other land." *Newsom* vs. *Pryor*, 7 Wheat, 10.

The principle has been frequently recognized and acted upon in Texas. *Urquhart* vs. *Burleson*, 6 Texas, 511; *Hubert* vs. *Bartlet*, 9 Id., 104; *Anderson* vs. *Stamps*, 19 Id., 465; and other States. *Jackson* vs. *Camp*, 1 Cow., 612. The river was considered the true boundary in *Trustees of Jefferson Seminary* vs. *Wagnon*, 1 A. K. Mar., 243; *Cockrell* vs. *McQuinn*, 4 Monroe, 61; *Bruce, &c.*, vs. *Taylor, &c.*, 2 J. J. Mar., 160; and *Shelton, &c.*, vs. *Maupin*, 16 Missouri, (1 Bennet,) 124. The distance was disregarded and the line so extended as to cross the river in *Newsom* vs. *Pryor*, 7 Wheat., 9, 10. The actual course of the shore controlled in *French* vs. *Bankhead* 11, Grat., 155; and this decision is approved in *Brown, &c.*, vs. *Huger*, 21 How., 321.

This was a principle in Mexican practice: "If the grant of land is made on the shore of the sea. river, or large lake, (laguna,) such shore must be aside of said land, and the survey must begin and end on it," (Ordenenzas de T. y. A. 5th ed., p. 187.) The ancient surveys contained no meanders, but only straight lines run to the cardinal points, (p. 151.) The meanders were intended whenever the surveys fronted on a water course.

In one of the cases before cited, it is said "no monuments or marks were fixed to indicate the courses and indentations of the creek or bay, and, from the character of the land in question, it would have been difficult, if not impracticable, to have fixed a boundary at high or low water mark, as at the time of the cession or survey, which would point out at all future times the gradual and imperceptible encroachment of the waters at one place, and the gradual accretion of the land at another. The surveyor did not attempt to fix the boundaries by such artificial monuments. The running by the magnetic course and measured distance

was essential to compute the quantity of land within the area. But the lines on Mill Creek and the bay were open lines, and left open because the natural boundaries of the creek and bay, the waters of which he represented on the plat at high and low marks, obviated the necessity of any artificial marks." *French* vs. *Bankhead*, 11 Grat., 154-5. Some of these observations are not inappropriate here where the title is of lands in the potrero "on the margin of the lagunes of the sea of the Gulf of Mexico," (p. 192,) and the water has receded.*

Quite pertinent are *Harramond* v. *McGlaughan*, 1 Taylor, 136, cited in 6 Cow., 547, *note*, and in *Rix* v. *Johnson*, 5 New Hamp., 525, and *Rogers*, &c., v. *Mable*, 5 Dev., 194, cited in *Starr* v. *Child*, 20 Wend., 156. *Cowen*, J., says: "These cases show what it is very difficult for the human mind to resist, that the parties never mean to leave a narrow strip between the land and the river, mainly because some stake or tree, or even all the stakes and trees, stand at a slight distance from the river," (20 Wend., 156.) The flats were included in *Mayhan* v. *Norton*, 17 Pick., 359. In one of the cases, though the elder patent began at a hickory standing not far from the river, thence down the river a certain course and distance, and the course ran obliquely from the river, leaving between it and the river a triangular piece of land, yet the junior patent for that triangular piece of land was held invalid, the river being considered the true boundary, (1 Taylor, 136.) The argument that the boundary was not the swamp, but a direct line from the courses called for in the deed, was urged in vain in *Hartsfield* v. *Westbrook*, 1 Hayw., 258. The elder grant running to a corner and thence south 50 E. down the creek to a

*A witness for defendants, Juan Medrano, testifies (p. 250) that the water of the Laguna has receded, since he first knew the tract, so as to leave more land than in former times. In another place (p. 251) he speaks of a schooner driven ashore, and when the sea receded, the schooner was about two miles from the edge of salt water.

white oak, prevailed over the junior grant of land between the creek and said line south 50 E. *Smith* v. *Auldridge*, 2 Hayw., 382. These cases have governed many others. They are recognized and acted upon in *Rogers* v. *Mable*.

Not only is it no valid objection sometimes that course is disregarded, or the lines prolonged greatly beyond the distances, but it has been held no objection that the quantity is more than four times the amount stated in the grant. *Fulwood* v. *Graham, &c.*, 1 Richardson, 497. Adverting to the principle as to land lying on a stream, *Marshall*, C. J., (in 1822,) said: "The general effect of this principle, undoubtedly, is that the purchaser acquires more land than is expressed in his grant, and more than he has paid for;" but courts cannot now shake a principle so long settled, and so generally acknowledged. *Newsom* v. *Pryor*, 7 Wheat., 10–11. This is supported by authority both previous, (*Owen, &c.*, v. *Rain's lessee*, 5 Hayw., 100,) and subsequent. *White, &c.*, v. *Burnley*, 20 How., 347; *United States* v. *D'Aguirre*, 1 Wallace, 311.

In Mexico, though the object of the early surveys was not so much to delineate boundaries as to fix a basis for the estimate of the quantity to be paid for, (p. 151, 256,) yet from the loose mode of calculation quantity contained within the natural boundaries, often far exceeded the surveyor's estimate, (p. 151, 257.) But this circumstance could not restrict the operation of the grant; it would embrace all the land "not exceeding its *natural* boundaries," (p. 191.) In fact, marshy, sterile, and unproductive land was often designedly omitted in the estimates of the Spanish officers, although included within the boundaries, and intended to be included within the operation of the grant, (p. 151.) Ordenenzas de Tierras, (p. 186.)

The fact that the eastern line was run by the surveyor straight, and so as to leave land to the eastward, was much

relied on by the defendants; but it will be noticed that as this line, according to the practice, had to be run magnetic north, it was placed as far to the eastward as was possible, to permit the northerly direction to be maintained, (p. 151, 256, and see Map.) Had the surveyor gone further down the Rio Grande for a beginning point of that line, he would have got into the peninsula at the mouth of the river, and could not have run north towards the mouths of the Arroyo. Another circumstance, on which the defendants insist, is that a *mojonera* is placed at the termination of the first or southern line, near the Tanque, and that the expression denotes a boundary; but a landmark, *senal*, was also placed at the end of the second line on the Laguna, and a *mojonera* was placed at the termination of the actual survey on the third line, although the distance had not been completed, (p. 160–161–180,) and *mojoneras* are often placed on a line short of the termination of the boundary, (p. 257.) In fact, it is apparent that they are intended to designate simply the trial lines of the survey, so that, in case of dispute, it may be repeated and verified. Another circumstance, insisted on by defendants, is that special mention is made in the survey of the separate calculation of the quantity of land between the first line and the Rio Grande, while no mention is made of a similar estimate of the land between the second line and the Laguna; but this argument would also exclude the land between the unfinished third line and the Arroyo Colorado, (p. 180–1,) while it is conceded that the grant actually included *that* land. In fact, it is clear that the surveyor regarded the land to the eastward of the second line as of so little value as to make it unnecessary to calculate it, and assumed the second line as "la linea de las lagunas," (p. 161, 180,) i. e., as equivalent, so far as the value went, to the actual coast line. But while, as between the grantee and the officers of the Government, the estimate of this strip of land was unnecessary, as it would not have materially affected the

value, still as regards the personal intentions and wants of the grantee, it was of the utmost importance; and it is impossible to believe that Salvador de la Garza would have silently acquiesced in a boundary line which would have exposed him to subsequent intruders, and deprived him of the benefit of the natural enclosure, which he had striven so long to secure.

Another point, on which the defendants rely, is the expression used, in several places in the final grant, "bajo los linderos, que espresan las medidas," "no propasandose los linderos," (p. 166–170–186–191.) They contend that the term "linderos" here used refers to the *lines* run by the surveyor. But it is clear by the context of the grant, and by all the testimony, that this term, as used in titles of this character, means—not imaginary lines—but "visible landmarks or boundaries"—such as rivers, lakes, mountains, woods, etc., (p. 150–153.) And in this sense it can only refer here to the Rio Grande, Laguna, Madre, Arroyo Colorado and the thicket on the west.

The contemporaneous understanding shows, also, the true boundaries, (p. 144–150–109.)

Supposing, then, that the original intention and construction of the Espiritu Santo grant would extend its eastern boundary to the coast; was there any documentary evidence in the case which could alter that construction? On this point the defendants refer to the proceedings had in 1827–9, by the Alcalde of Matamoras, as shown in the junior title, under which they claimed; but these cease to have any weight, when it is considered that Francisca Cavazos, the ancestor of the plaintiff in this action, was not a party to those proceedings, and that they were merely executive and not judicial. (Colonization Law of Tamaulipas, Arts. 9, 22; Curia Filipica, Part I. § 15; Citacion.) The whole action of the executive officers of Tamaulipas was void, also, because the land was within the litoral leagues; (*Goode* v. *Mc-*

Queen's heirs, 3 Tex. 257, and other cases before cited;) and it was afterwards annulled by the Supreme Court of Tamaulipas, (p. 134–143.) The presumptions as to the correctness of official action cease when the powers of the officer are defined and restricted by law; (*United States* v. *Cambuston*, 20 How., 63; *Jones* v. *Garza*, 11 Tex., 186;) and as the Alcalde of Matamoras and other executive officers acted without authority, no weight can attach to their decisions as to the true boundary. An usurpation—a flagrant robbery—an adverse claim enforced by power alone, have not the sanctity of a judicial decision.

IV. The Court having erred in allowing the invalid grant to be read as evidence to show boundary and possession, (p. 241,) erred also in telling the jury (p. 277) that it was their duty to consider the acts of the parties to the Espiritu Santo grant, as well as those of the invalid grant, and, if it appears from the evidence that those claiming under the Espiritu Santo grant *never had possession* of the land lying east of the line running from the derrame near the Tanque north to the bolsa upon the Arroyo Colorado, *nor set up any claim* to it until a comparatively short period; or, if the said line was treated by such parties and *acquiesced* in as the true line until within a comparatively recent period of time, this will be testimony to be taken into the consideration of the jury in determining the true line. In the first place, supposing it to have been shown that to the land in controversy title was granted to Salvador de la Garza, and from him has come to the plaintiff, the judge has not, in his instruction, sufficiently kept in view the rule that the law deems the grantee and those claiming under him to have legal seizin and possession, co-extensive with the right, till ousted thereof by actual adverse possession. *Green* v. *Liter*, 8 Cranch, 233–4; *Barr* v *Gratz*, 4 Wheat., 213; *Propagation Society* v. *Pawlett*, 4 Peters, 504; *Clarke's lessee* v. *Courtney, &c.*, 5 Id., 354; *U. S.* v. *Arredondo, &c.*, 7 Id., 743. As to what is supposed in the latter part of the instructions,

undoubtedly there is, on the part of the plaintiff, evidence in conflict with what is so supposed, (pp. 144, 150, 199, 241, 259.) In addition, it may be proper to examine the position for which the defendants' counsel (at p. 20 of his abstract) has cited the cases of *Rockwell* v. *Adams*, 6 Wend., 469, and *Doe dem. Norcom* v. *Leary*, 3 Iredell, 49. The rule of that class of cases has been applied where the parties maintaining towards each other the relation of adjoining owners, each having title to a certain lot, which is not disputed, there is a question between them, not of title, but as to the division line. *Robertson* v. *McNiel*, 12 Wend., 583. More in point are cases of another class—such as *Adams* v. *Rockwell*, 16 Wend., 285, and *Clark* v. *Wethey*, 19 Id., 320. The case of *Gilchrist* v. *Yerger*, 9 Yerger, 459, cited on the other side, shows that in that case there was difficulty arising from the Statute of Frauds. The courts now disapprove allowing parol declarations and agreements to establish a line different from that given in the deed or grant. They hold that where the description in the deed designates a piece of land as that conveyed, the description cannot be departed from by parol evidence of intent or of acquiescence in another boundary, unless such an adverse possession be shown as is in itself a bar to an ejectment. *Clark* v. *Baird*, 5 Selden, 183. They do not allow a parol agreement to establish a boundary where one of the parties is an owner and the other has no valid title. Cases upon a question of boundary line between two tracts, or parts of the same tract of land, are distinguished from a case wherein no title is shown in the defendants, or those under whom they claim, to any land on either side of the line. *Terry* v. *Chandler*, 16 N. Y., (2 E. P. Smith,) 354.

Here the plaintiff being a married woman,* (p. 152,) there could not be such acquiescence or adverse possession as would impair her rights.

* This fact bears also on the 5th and 6th points, and is noticed more particularly in connection with the latter.

V. The Court plainly erred in the second instruction which it gave at the request of defendants' counsel, (p. 276.) For, first, *that* under which Trevino, and those claiming under him, had and held adverse possession, had been already decided (p. 241) to be no *valid* title, and, as has been shown on the 1st point, was properly so decided; and it could not, therefore, be a *just* title in the sense of the Spanish law; Escriche Dic. verb. *Titulo Justo; Bonne, &c.*, v. *Powers*, 3 Mart. N. S., 461; or of the law of Texas. Notwithstanding the lapse of time, the grant was neither "title or color of title" in *Smith* v. *Power*, 23 Texas, 29, and it could not therefore be a just title. Lapse of time cannot render that valid which was originally void or render that just which was originally unjust. *Quod ab initio non valet, tractu temporis non convalescit. Holyoke* v. *Haskins & wife*, 5 Pick., 27. Secondly, the plaintiff had been a married woman during the whole period of time mentioned in the instruction. Thirdly, the instruction should have been withdrawn when the defendants found it politic to withdraw, and did withdraw, their plea of prescription and limitation, (p. 276.) Its remaining before the jury could serve no other purpose than to mislead them and injure the plaintiff.

VI. The Court erred in each and all of the other instructions given at the request of defendants' counsel, (p. 276-7,) and also erred in not giving the first instruction requested by the plaintiff, (p. 277.)

Even though (as supposed by the 3d instruction given at request of defendants' counsel) Trevino and those claiming under him, had and held adverse possession of the land in contest for 20 years and more before the commencement of this suit, that was not enough. For the plea of prescription and limitation had been withdrawn; and, though it had not been withdrawn, the time was insufficient. *Waggener* v. *Waggener*, 3 Monroe, 548. The commencement of those 20 years would have been 1833, being only eight years before

the passage of the act of limitations of Texas, in 1841; and by the rule in *Gautier* v. *Franklin*, 1 Texas, 732, those eight years would have only counted proportionally to the period of prescription against the Government required by the Spanish law, that is forty years, (Rec. Nov. XI, 8, 4; Zamora, Leg. ult. vol. 5, p. 56,) and would thus have only been equivalent to four years under the new limitation. Or, in another point of view, suppose the possession under claim of title commenced Dec. 26, 1828, when Ignacio Trevino was put in possession of San Martin, and continued to Feb. 5, 1841, when the act of limitations was passed, 12 years 1 month and 10 days would have elapsed, equivalent to 6 years and 20 days under the new regime; this, added to the time from Feb. 5, 1841, to the commencement of the suit, or 12 years 6 months and 16 days, would make less than 20 years.

But, even suppose there were 20 years, consistently with the rule of computation in *Gautier* v. *Franklin*, still there was in the present case no sufficient ground for presuming a valid grant to the defendants, or those under whom they claim, (*Eaton* v. *Sanford*, 2 Day, 523; *Beach* v. *Catlin*, 4 Id., 284.) For it is now clearly established that against the owner of the inheritance a grant will not be presumed from a mere possession of 20 years. *Daniel* v. *North*, 11 East., 374. Mere adverse possession for 20 years will not raise a presumption of title by grant to land. *Clarke* v. *Faunce, &c.*, 4 Pick., 245-6; *Holyoke* v. *Haskins & wife*, 5 Id., 27. Since *Keene* v. *Deardon*, 8 East., 263; *Ricard* v. *Williams*, 7 Wheat., 109; *Gray* v. *Bond*, 2 Brod. & Bingh., 667, 6 Eng. C. L.; *Doe dem. Fenwick, &c.*, v. *Reed*, 5 Barn. & Ald., 232, 7 Eng. C. L.; *Doe dem. Beanland* v. *Hirst*, 11 Price, 474, and *Livett* v. *Wilson*, 3 Bingh., 115, 11 Eng. C. L., the matter has been much considered and placed upon a very clear footing.

In New York, in 1827, *Sutherland*, J., said: "A grant of

land will never he presumed unless the lapse of time is so great as to create *the belief that it was actually made;* or unless the facts and circumstances in the case show that the party to whom it is presumed to have been made was *legally or equitably entitled to it.*" *Jackson* v. *Moore,* 6 Cow., 725; 4 Wend., 63. The Supreme Court of that State recognizing *Ricard* v. *Williams,* and *Keene* v. *Deardon,* would not presume a conveyance in *Jackson* v. *Mancius,* 2 Wend., 363: or *Doe* v. *Butler,* 3 Ib., 133. The Court of Appeals of Kentucky would not presume a deed in *Downing's heirs* v. *Ford, &c.,* 9 Dana, 394.

In 1829, *Tindal,* C. J., said: "No case can be put in which any presumption has been made except where a title has been shown by the party who calls for the presumption, good in substance, but wanting some collateral matter necessary to make it complete in point of form. In such case where the possession is shown to have been consistent with the existence of the fact directed to be presumed, and in such cases only, has it ever been allowed." After reviewing the cases of *Lade* v. *Holford,* Bull N. P., 110; *England* v. *Slade,* 4 T. R., 682; *Doe* v. *Sybourn,* 7 Ib., 2; *Doe* v. *Wrighte,* 2 Barn. & Ald., 710; and *Doe* v. *Holder,* Ib., 782, he said: "In all these cases the presumption has been made in favor of the party who has proved a right to the beneficial ownership. The possession has been consistent with the existence of the surrender required to be presumed, and has made it not unreasonable to believe that the surrender should have been made in fact; and the presumption has been made accordingly, in order to prevent justice from being defeated by a mere formal objection. Such cases are distinguished from one wherein the Court was called upon to declare the presumption ought to have been made in favor of a person who has proved no right to the possession, no title, no conveyance; a person who stands upon the mere naked possession, without any evidence how or when he acquired it." *Doe dem. Hammond*

&c. v. *Cooke, &c.*, 6 Bingh.; 174, 19 Eng. C. L. This case has been since recognized. *Melvin* v. *Locks & Canals*, 17 Pick., 262.

Bayley, B., frequently talked with Ld. *Tenderden* on the subject; and they agreed in thinking that the rule as to presuming surrenders had gone far enough, and that it ought not to be extended. A judge ought not to require a jury to find on their oaths what he does not himself believe. *Day* v. *Williams*, 2 Cr. & Jerv. (Excheq.) 461.

In some cases it has been deemed material to consider whether the long continuance of possession was on the one hand with the knowledge and consent of the owner. *Daniel* v. *North* 11 East., 374; *Gray, &c.*, v. *Bond*, 2 Brod. & Bingh., 667, 6 Eng. C. L.; or was to be attributed on the other hand to mere want of care and attention. *Doe dem. Fenwick, &c.*, v. *Reed*, 5 Barn. & Ald., 232, 9 Eng. C. L.; or to other circumstances consistent with the non-existence of the deed. *Livett* v. *Wilson*, 3 Bingh., 115, 11 Eng. C. L.; *Jackson* v. *Schauber*, 7 Cow., 200. It was deemed proper for the jury to consider the circumstances in *Schauber* v. *Jackson*, 2 Wend., 63; *Melven* v. *Locks & Canals*, 17 Pick, 262; *Valentine* v. *Piper*, 22 Id., 92; *Taylor* v. *Watkins*, 26 Texas, 562. And it was held they were not authorized to presume a grant in *Hanson, &c.*, v. *Eustace's lessee*, 2 How., 708; *Lyon* v. *Reed*, 13 M. & W., 303; *Raymond & wife* v. *Holden*, 2 Cush., 269; *Chasemore* v. *Richards*, 8 Ho. of L., 370; or *Webb* v. *Bird*, 3 Com. B., (J. Scott,) N. S., 843, 106 Eng. C. L.

Certainly in this case there was enough to account for the delay and reconcile the possession with the paramount right. One circumstance regarded in the common law—(*Mathews* v. *Smith*, 2 Dev. & Bat., 287,)—and a positive exception in the Spanish law—is a disability arising from the personal *statu* of the owner. *Contra non valentem agere non currit præscriptio.* The plaintiff, who had inherited one-fifteenth of

the land in 1802, (p. 200,) was a married woman from 1818, (p. 152.) And during her marriage the defendants' claim of title originated, to wit: under the proceedings commenced in 1827; Trevino admitting, when he commenced those proceedings, that he has "no grazing lands of his own," but was a mere tenant or squatter without title, (p. 22.) He could not, therefore, claim prescription or presumption against a person under a disability originating before that time. The Spanish juris consults are not agreed as to the existence of a disability on the part of a married woman as to her *paraphernal* property; though the greater weight of authority affirms its existence. (Castillo, Op. Om. IV, Ch. 26, Nos. 18-24, and citations;) but they all unite in saying that the longest period of prescription, or thirty years, would be necessary as against a married woman in any case. (Castillo, ubi sup., No. 24 and citations; Partida III., 29-8; gloss of Lopez, No. 6.) The rule of the common law in cases of disability is well established. *Eaton* v. *Sanford*, 2 Day, 523; *Raymond & wife* v. *Holden*, 2 Cush., 269. Under circumstances of disability, no presumption was made against the plaintiff in *Weatherhead's lessee* v. *Baskerville, &c.*, 11 How., 359; or against the married women in *Meegan* v. *Boyle*, 19 Id., 148.

Moreover, here Trevino had applied for a grant from the Government, and obtained one that was invalid. In opposition to the *fact* that he obtained an *invalid* grant, the Court is asked to presume that he obtained a *valid* one. Where the presumption of a grant from the sovereign has been made, it has been under circumstances very different from those which appear in the present case. 1 Phil. Ev., 660; *Mitchell, &c.*, v. *United States*, 9 Peters, 760. The judgment of the common pleas in *Free Fishers* v. *Gann*, 11 Com. B., (J. Scott,) N. S., 387, 103 Eng. C. L,, though affirmed in the Exchequer Chamber, 13 Com. B., (J. Scott,) N. S., 853, 106 Eng. C. L., was reversed in the House of Lords; Lord *Wensleydale* observing

that "where the privilege requires more than immemorial enjoyment, in order to be legal and valid, some other facts must exist, and there must be some proof of those facts." 11 Ho. of L., 210.

Supposing, according to the first instruction requested by the plaintiff, that under the instructions and by the evidence the jury should find that the grant of the Espiritu Santo included the land in controversy, then no adverse possession of that land could raise or authorize the presumption of another grant adverse to the former; for the law will not presume that to have been done which could not legally be done. Under the laws of 1824 and 1828, lands lying as those did, within the litteral leagues, could not be granted by territorial governors. *League* v. *Egery, &c.*, 24 How., 264; *United States* v. *Vallego*, 1 Black., 550-51; *United States* v. *Castillero*, 2 Ib., 164–194–5; *Christy* v. *Pridgeon*, 4 Wallace, 196; and even the Supreme Government had no authority to grant what had before been granted to another. *Polk's lessee*, v. *Wendell*, 9 Cranch., 99; S. C. 5 Wheat., 303; *United States* v. *Arredondo, &c.*, 6 Peters, 728–740; *United States* v. *Vallego*, 1 Black., 550–51; *United States* v. *Castillero*, 2 Ib., 164 195.

VII. Though the Court gave the last instruction asked by the plaintiff, it erred in giving in modification thereof the instruction asked by the defendants. Where persons are in possession of land at the same time, under different titles, the law adjudges him who has the better title to have the seizin of the estate, as far as is consistent with the actual facts. *Barr* v. *Gratz*, 4 Wheat., 223; *Clarke's lessee, &c.*, v. *Courtney, &c.*, 5 Peters, 354; *Jones* v. *Menard*, 1 Texas, 788–781. Whereas the effect of the instruction so given in modification, is to give possession under a junior grant greater weight than possession under the elder grant.

VIII. Upon the whole record, it is very clear that there has been a miscarriage of justice in the case. *Mackley* v.

Pattenden, 1 El. Best & Smith, 183–101, Eng. C. L. Therefore the judgment should be reversed, the verdict set aside, and directions given to prevent upon another trial such errors as were committed at the former trial.

IX. If, however, the verdict should not be set aside, still the judgment should be reversed, and one entered according to that part of the verdict which is for the plaintiff, to-wit: For so much of the land as is between what is termed the line of 1781, and that of 1828, (p. 256,) which will be seen, by reference to Blucher's map, to be a gore containing about nine leagues of land.

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